



Proposed flood rules spur emotion

BY KEVIN DUGGAN • KevinDuggan@coloradoan.com • November 22, 2010

Proposed changes to floodplain regulations for the Poudre River through Fort Collins continue to stir emotions, with opinions on the need for and fairness of the rules depending on one's point of view.

Supporters of the proposed city regulations, which could include a ban on all building within the river's 100-year floodplain, say the rules are necessary to protect people and property if and when a flood comes.

But critics of the proposed rules say they go too far. If new building is not allowed even on the edge of the floodplain, landowners would be left with property that has no value for residential or commercial development.

Regulations prohibiting development would be little more than a land grab, said Charlie Meserlian, who owns an acre of land near the river on North College Avenue. The rules would make his property and neighboring parcels worthless, he said.

"I'm not an engineer, but it seems to me (city officials) are trying to make a big problem out of a small problem," Meserlian said. "If this passes, they are going to have a huge legal battle on their hands. All the facts and figures would come out in court."

From an environmental perspective, the regulations are needed to protect residents, property owners and the river, stated Gary Wockner, director of the organization Save the Poudre, in an e-mail to the Coloradoan.

"We oppose development in the Poudre River's 100-year floodplain because it negatively impacts the ecology of the river and the river's corridor through Fort Collins," he said. "In addition, developing in 100-year floodplains puts people, property and the economy at high and unnecessary risk."

City officials should work with affected property owners to mitigate the impact of the regulations, he said.

Meserlian and Wockner were among dozens of residents who attended an open house Thursday on the potential regulations for the Poudre's 100-year floodplain sponsored by Fort Collins Utilities.

A 100-year flood is defined as an event that has a 1 percent chance of happening in a given year. A floodplain consists of a floodway, where water runs deepest and fastest during a major event, and the flood fringe, where water can spread under certain conditions.

The featured speaker at the open house was Ed Thomas, a consultant with decades of experience in emergency management.

Damages caused by flooding - and costly litigation stemming from flooding - are on the rise across the country, Thomas said. To stem the flow, society has to make better decisions about where and how to build around flood-prone areas, he said.

Development is not a matter of choice, especially in attractive places such as Fort Collins, he said. It will come.

"The choice is between doing things better for the entire society that protect more resources, protect the environment, protect the people, protect the sustainable economy and doing things that will make stuff worse," he said.

Regulatory options under review by city stormwater officials include permitting structures in the floodway as long as they are elevated and the project does not cause more than a 0.1 foot rise in

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the river during a flood.

Current standards, which were adopted in 2007, allow for a 0.5-foot rise. Another option is to not allow any structures in the floodplain.

The City Council is expected to have a work session on options for the floodplain regulations in January, said Ken Sampley, water planning and development manager with Fort Collins Utilities.

Depending on the direction given by council, changes to the regulations could be formally considered in February.

From a professional engineering point of view, public safety would be best served by not allowing building in a floodplain, he said. But staff members also have to consider economic factors in any recommendation they may make to the council.

No one has a legal right to flood another's property unless they pay for it, Thomas said. Along the same lines, no one - including a government - may take the value of another's property without compensation.

The proposed regulations "are a step in the right direction," he said.

But city officials and property owners will have to work together in developing regulations that work for the community, he said. An option can be establishing a program that allows for transferable development rights.

The Poudre has a history of flooding, city officials say. Floods can be caused by mountain snowpack melting excessively fast or by heavy rainfall from thunderstorms, which cause flash floods.

A flood in 1904 damaged much of north Fort Collins and led to the death of local pioneer Robert Strauss. High water this summer from snowmelt forced the closure of the Poudre River Trail in low-lying areas.

The risk of flooding is likely to increase in the years to come because of environmental changes, Thomas said.

The projected rise in a river's water during a major storm is often under-estimated, he said, and does not take into account the rise caused by debris blocking the flow of water under bridges.

Proposed changes to the floodplain regulations on the Poudre could affect up to 2,000 acres along the river, city officials say. Affected areas would be North College Avenue, the East Mulberry Street corridor and the Link-N-Greens golf course east of Lemay Avenue.

Any change in Poudre floodplain regulations could take away the development value of 80 of the 100 acres that make up Link-N-Greens, said Heather Wolhart, whose family owns the land.

The property is all that's left of a 300-plus acre homestead relatives of Wolhart established more than 100 years ago, she said.

Development offers for the land have come in over the years, she said, but as things stand now, the family cannot do anything with the property.

"If we had an offer on the table ... nothing would happen, no one would buy, no one will follow through with an offer until the floodplain regulations are settled," she said. "And if someone makes an offer and the rules change, they'd probably back out."

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