



Floodplain Regulations Stakeholder Meeting
April 11, 2019 Minutes
3:00 pm

Stakeholders Members Present:

Milton Carpenter	North Carolina Flood Plain Mapping
Scott Brookhart	Private Floodplain Engineer
Jon Callahan	Private Development Engineer
Michael Birch	Private Development Attorney
Bob Mulder	Real-Estate Agent (former SMAC member)
Suzanne Harris	Home Builders Association of Wake County
Betsy Pearce	Wake County Floodplain Administrator
Rick Rowe	Commercial Property Owner in Floodplain
Andy Clevenger	Residential Property Owner in Floodplain
Brian Kurilla	Wake up Wake County (filling in for Heather Keefer)

Stakeholders Members Absent:

Heather Keefer	Wake up Wake County
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Observers:

Holt Browning , Travis Crissman, Joe Heartman, Peter Raabe, Rocky Springer, Olan Watson -Kathy Tambke, Mathew Starr, Emily Torrey, Kinny Hartman, Lee Williams, Charlotte Clevenger, Charles Weant, Rebecca Burmester

City Staff Members Present

Wayne Miles	Stormwater Division Manager
Ben Brown	Stormwater Administrator
Jennifer Lubik	Stormwater Administrative Specialist
Ashley Rodgers	Stormwater Plan Review Manager
Jonathan McNeill	Stormwater Engineering Specialist
Laura Johnson	Stormwater Engineering Specialist
Travis Crane	Assistant Planning Director
Dan McLawhorn	Associate City Attorney

Opening Statements from Wayne Miles

- Indicates if anyone with Public Comments wishes to speak they get 3 mins each at end of meeting as is done in City Council Meetings
- Ground rules are discussed
- Please send a representative to all meetings if you can't attend

- Mr. Miles introduces Himself as Stormwater Department Manager and Meeting Facilitator
- Mr. Brown Subject Matter Expert as Stormwater Administrator Floodplain
- Stakeholder Contact list brought to everyone's attention
- Mr. Miles asked the stakeholder group if any stakeholder has been missed
 - Multi Family representatives (Triangle Apartments Association
 - Mr. Mulder stated it may be worth inviting someone from Raleigh Regional Association Realtors

Mr. Miles presented introductory information and how the stakeholder group came to exist (see attached presentation)

Open Discussion during the presentation

- Ms. Harris asked if City Council has reasonable expectation of when this may come back to them or is this open ended on receiving this back? Mr. Miles stated Council asked how long he thought it may take. Mr. Miles responded he thought it may take 4 to 5 months. Ms. Harris stated it would be 4 to 5 months for this group and then go before SMAC. Ms. Harris asked to see if it would be done before elections. Mr. Miles did not see this issue coming before Council by elections due to several additional steps being required before this would happen, including going back to SMAC, and then being considered under a text change process.
- Mr. Clevenger commented about the status of the Preliminary FEMA Flood Maps for Wake County and if the timing of this regulation change is coinciding with the maps becoming effective. Mr. Brown stated that the two efforts are not connected and not dependent on one another. Map approval is not being held back by the City of Raleigh we are waiting on FEMA.
- Ms. Harris asked if can plat into the flood fringe? Mr. Brown stated you can plat into the floodway you just can't build there.
- Ms. Harris asked when the 39 claims do come through do they have to do it to standard. Mr. Brown stated the information had to do with insurance claims data from Milton Carpenter's office SMAC requested a clarification.
- Mr. Birch asked if 110 claims included properties that were purchased with FEMA money. Mr. Ben Brown said yes.
- Mr. Miles asked for clarification of the 110 were parcels that are not 100% in the floodplain. Mr. Brown stated Correct. Only 39 of the properties were 100% in the floodplain.
- Mr. Wayne Miles asked when you speak of the Regulatory Floodplain is that including area that includes alluvial soils. Mr. Brown stated that just the regulated FEMA floodplain requires the purchase of flood insurance for federally backed mortgages.
- Stakeholder noted that some of the properties were outside of the floodplain. Mr. Ben Brown said yes you can purchase flood insurance out of the FEMA flood zone.
- Mr. Miles asked about reparative loss. Mr. Brown stated city wide there are 110 properties with repetitive loss list, so they have had multiple losses over a certain amount of time for a certain amount of money over \$20,000.00 or more. The city must be careful with giving insurance information about this as there area Federal Regulations protection this information from disclosure.
- Stakeholder asked what type of programs you use to acquire property like Capital Blvd or individual? Mr. Brown stated the City uses grant programs, Hazard Litigation Grant, FEMA buy

out programs and City money -- repetitive loss properties, which are defined by damage costs over a period of time, qualify.

- Stakeholder asked how much does this cost The City? Property loss? What is SMAC recommendation to change the regulation? Mr. Brown stated the biggest cost saving is with emergency services Police and Fire Departments.
- Ms. Harris asked about no development in 50% of the floodway fringe? Mr. Wayne Miles stated there is no speaking about going back and removing existing properties out of the flood fringe.

Mr. Brown presented about the current Flood Prone Regulations and the history of the floodplain in Raleigh (see attached presentation)

Open discussions during the presentation

- Ms. Harris asked if the current mapping (2006) includes future mapping for Crabtree Mall. Mr. Brown stated future mapping for Crabtree Creek was not done in 2006, but the new maps have future mapping for the entire city. Flood Insurance is based on the 2006 maps until the new maps are approved.
- Andy Clevenger asked why we are not using new maps? Mr. Brown stated we can look at new maps later in our discussion. Preliminary maps have existed since 2015, however we are not permitting on them yet.
- The city is currently waiting for effective date from FEMA
- Maps must be adopted by City Council before new mapping is approved
- FEMA will give about 6 months lead time after maps have been approved
- Maps must be adopted through a public hearing process
- Once the effective date is given by FEMA, the city will look at having public information nights to assist citizens in reviewing new mapping. This was done in 2015 but since adoption has taken longer than anticipated, this may need to occur again.
- Ms. Harris asked about the city's incentive not to adopt the Maps and how would that effect the citizens? Mr. Brown stated there is no incentive to not adopt the mapping as no one would be able to get flood insurance from the National Flood Insurance Program (NFIP). Mr. Brown stated there were 5 appeals to the new mapping; 4 were from Stormwater improvement projects (floodplain decreased) and one was for House Creek where the floodplain was mapped incorrectly near the confluence of Crabtree Creek.
- Audience Member asked to have all 3179 been notified of these Meetings as there is a small percentage of people here present at the stakeholder meeting. Specifically, they have not been notified. Meeting was publicly noticed. Council has not requested that all owners be notified
- Ms. Harris asked if out of 6500 parcels could just have a corner or small amount of floodplain on their lot, Mr. Brown stated that could be the case.
- Michael Birch asked about the funding for the city's grant mitigation program. Mr. Brown stated yes, this program is funded through the city's Stormwater Capital Improvement Project budget. It is not funded for fiscal year 2020 but due to unexpected matching funds for the past two projects, there is adequate funding.
- Mr. Birch asked how much has been paid out through the NFIP, paid losses since 1978 since program started is approximately \$23,000,000 since the program started per the Insurance Summary handed out for Raleigh.

- Mr. Birch asked about quantifying cost benefits of not allowing construction in the floodplain. Mr. Brown stated the biggest cost savings to the city is in public safety costs for responding to emergency calls during a flooding event. Mr. Brown stated he would reach out and get some numbers for those costs. It was noted that flood insurance claims through the NFIP are paid using a combination of premiums and taxpayer payments.
- Ms. Harris asked about the acreage that would be restricted from new development if SMAC's recommendations were adopted. Mr. Brown stated staff could get that number for the next meeting.
- Mr. Clevenger asked about the suggested concept of adding 2 feet vertical to the 100-year flood plain elevation, and including all property that would be inundated by this flood elevation. That is not to the finished floor. What is the current restriction? Mr. Brown stated currently there was not one in place. Mr. Miles stated it was a safety factor. Stakeholder stated floods have past the 100-year floodplain in Raleigh twice last year.
- Mr. Carpenter asked when you speak of Development how do you defined Development. Mr. Miles stated that was a good question while allowing amenities and roadways we would be delving more into that topic in individual meetings.
- Susan Harris asked about 5 year rolling calendar what was the logic from 50% to 30%. How did the Commission decided to reduce by 20%? Mr. Brown said safety measures to prevent continuous flooding on older buildings. Mr. Brown stated that this was to curtail redevelopment of structures that predate the current floodplain regulations.
- Scott Brookhart requested for more background on SMAC's thought process regarding current regulations. Requesting to view meeting minutes or meeting with SMAC representatives so we don't tread over the same ground. Mr. Brown stated we could get that information for you.
- Ms. Harris asked about existing residential properties in the floodplain that could not financially bring properties to the standard would they be condemned? Mr. Brown stated they would have to bring it to Flood standard or they couldn't do the improvement or repairs. Stakeholder stated even if it wasn't for repair let's say you wanted to add a garage. If it cost more than half your house. Insurance might be willing to give 75% but city may not be ok the permits and taking the whole house down.
- Mr. Clevenger asked about potential grandfathering or variances. Mr. Brown stated that the Stakeholder group could recommend grandfathering rules back to the SMAC for existing properties in the floodplain.
- Ms. Harris asked if there was a discussion with SMAC at looking at a Risk based approach looking across The City in terms of how they put forward the regulations. Mr. Miles inquired what do you mean by risk? How to address existing structures.
- Stakeholder reminded staff that 50% is the FEMA maximum and the City can be stricter (e.g., make the threshold a lower percentage). Mr. Miles asked if we could go higher and Mr. Brown said no.
- Mr. Carpenter spoke about incorporation of language around 2014 federal law changes that was moved substantial improvement/repair to 30% but it was changed back to 50% 2 years later.
- Mr. Clevenger asked about the timing of the new maps and the potential new regulations could have an adverse impact on current property owners. Mr. Clevenger asked why floodplain properties are being made to help alleviate problems when other development outside the floodplain is not being held to that standard. Rick Rowe and Ms. Harris stated that other

development regulations are getting stricter outside the floodplain and this has had an effect. Mr. Brown stated the city has had stormwater controls on new development outside the floodplain since 2001 due to the Neuse River Nutrient Regulations. Ms. Pearce also agreed that The City and The County are regulating restrictions on all properties.

- Mr. Clevenger stated he felt the recommendation about the additional 2' of vertical height from the floodplain restricting the building envelope on a lot could be too restrictive on existing lots. Mr. Brown stated that the recommendation specifically references newly platted lots, but this item is open for discussion at a future stakeholder meeting.
- Mr. Clevenger asked whether SMAC is looking into issues throughout the city due to erosion. Mr. Miles stated that the Commission is looking at this issue with the proposed backyard stream program and during its review of overall stormwater recommendations.
- Mr. Mulder spoke about his role on SMAC when he served and that downstream neighbors suffer from development and the regulations present at the time of development. Mr. Mulder specifically mentioned the fill that the Costco development placed for its building and the impacts that has on adjacent properties.
- Mr. Mulder stated that his experience with real estate shows him most people do not want the expense of flood insurance.
- Mr. Miles mentioned during preparation for Hurricane Florence, the city notified everyone in the floodplain via calls/texts in the floodplain about the danger that would associated with the hurricane if it went through Raleigh. Mr. Miles said this caused many folks to realize the danger of living in a floodplain. The City received a lot of call backs from citizen that were unaware they were in the floodplain.

Meeting Discussion

- Mr. Miles led the group on a discussion of meeting times and frequency. The group committed to meeting on the 2nd and 4th Thursday of the month from 3-5 pm for the foreseeable future. Staff will find a location outside of downtown for future meetings.

Audience questions and comments

- Holden Browning stated he lives on Crabtree Creek and these recommendations would have a negative effect on him. He stated he received 14 inches of water in his basement during Hurricane Fran. Mr. Browning spoke of the greenway bridges that are at creek level and the impacts they have on flooding as well as debris. Mr. Browning mentioned that Crabtree Lake and Umstead Park should be used for flood mitigation to protect downstream property owners.
- Kathy Tambke, a resident Crabtree creek, spoke about a similar regulation TC-410 change proposed in 2010 was voted down and she wanted the city to address recommendations found in that disapproval. Also, stated that an exemption for small lots should be a part of any potential regulations. Ms. Tambke said she has been waiting on the new maps to make improvements to her home and these regulations could then make these improvements impossible. Ms. Tambke asked the Stakeholder group to take the affected home owners' point of view into account when they are deliberating. Ms. Tambke also referenced that cleaning the creek of debris would have a major impact on flooding.
- Charlotte Clevenger, property owner on Crabtree Creek, stated that notice should have gone out to all affected property owners for the stakeholder meetings. Ms. Clevenger referenced the

previous text change in 2010 of TC-410 had the same issues. Stating property built in 1954 and only basement floods. Mr. Miles requested that her data be emailed to us.

- Rocky Springer living in the same Crabtree Creek area wanting to do an addition in the flood fringe. Thinking of the cost impact on his property as well as his neighbor's as his property is in the flood fringe. He asked that the group put themselves in the homeowner's shoes.
- Mr. Rowe stated the council makes decision without specific citizen notified on all new development regulations. Mr. Brown stated the SMAC wanted to convene a Stakeholder group to get across section of input from different affected parties. Mr. Miles stated the process is in the early stages and any regulation change will require public notification.
- Ms. Harris asked if Council has the same desire for these regulations that they did in October of 2018. Ms. Harris asked the SMAC to send a request back to Council for verification before a lot of time is committed to this process.

Meeting ended at 5:03 pm