



Floodplain Regulations Stakeholder Meeting

April 25, 2019 Minutes

3:00 pm

Stakeholders Members Present:

Milton Carpenter - North Carolina Flood Plain Mapping
David Lasley - Private Development Engineer (filling in for Jon Callahan)
Scott Brookhart - Private Floodplain 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
Chris Stanley - McAdams Project Manager Water Resource (filling in for Rick Rowe)
Charlotte Clevenger - Residential Property Owner in Floodplain (filling in for Andy Clevenger)
Nathan Spencer - Associate Director Wake up Wake County (filling in for Heather Keefer)
Betsey Pearce - Wake County Floodplain Administrator
Andrew Blackburn - Raleigh Residential Apartment Realty

Stakeholders Members Absent:

Jon Callahan - Private Development Engineer
Rick Rowe - Commercial Property Owner in Floodplain
Andy Clevenger - Residential Property Owner in Floodplain
Heather Keefer - WakeUP Wake County

Observers:

Holt Browning, Donna Browning, Kathy Tambke, Terry Mikels, and Jim Buckthel

City Staff Members Present:

Wayne Miles - Stormwater Division Manager
Ben Brown - Stormwater Administrator
Jennipher Lubik- Stormwater Administrative Specialist
Ashley Rodgers - Stormwater Plan Review Manager
Jonathan McNeill - Stormwater Engineering Specialist
Laura Johnson - Stormwater Engineering Specialist
Brad Williams - Associate City Attorney

Meeting Opening Statements:

- History of Why Stakeholders Group was created result from a motion made by Council Member Stuart recognizing that focus group was needed after hurricane flooding in NC
- Development in flood prone areas regulations
- SMAC suggested Stakeholders meeting for all interest groups

- Stakeholders decided representation was needed for Realities, Apartments and Emergency
- Website link available link sent out before meeting information website publicly available <https://www.raleighnc.gov/home/news/content/CorNews/Articles/FloodplainMeeting.html>
- Ms. Harris asked if website could be on home page Mr. Brown stated it is in events section
- Wayne reminds all this may be a 4- or 5-month process with meetings at Thomas G. Crowder Woodland Center the 2nd and 4th Thursday of every month
- Dates may change to do to time needed to do research for data required
- Observers may speak for 3 minutes at the end
- Open the floor to any Stakeholders questions regarding April 11th meeting

Meeting Review:

- Review of last meeting City History and flood regulations
- Refer to 5 bullets (Reference 1st Power point)
- And potential changes to be done in floodplain ordinance to make it more stringent
- Open to stake holder question no comments made about last meeting
- Wayne asked if audience requires a minor clarification then the floor is open

Presentation on Raleigh Properties and Current Variance Process (see attached):

Questions during presentation

- Are these statistics of properties located in the floodplain based on current effective maps? Mr. Brown stated all is based on the current effective maps.
- Ms. Harris inquired if proposed changes will maintain current exemptions and grandfathering be on the new map? Mr. Brown said that will be open for discussion by stakeholders as to how to grandfather changes in the ordinance.
- Ms. Harris asked if the recommendation in 2006 included grandfathering -- Mr. Brown said yes
- Mr. Miles states this can be indicated in the recommendations and will be open for discussion to recommend grandfathering for properties platted prior to 2020.
- Mr. Mulder asked Mr. Brown to do you know the rational Mr. Brown stated thinking more about existing residential lots. It was stated that this was done to ensure fairness to existing lot owners of a certain size.
- Ms. Harris, they are looking more on the return on investment on what had been platted Mr. Brown said yes if you had a subdivision you could design around it after May 2nd, 2006
- Mr. Brookhart asked about the existing ordinance language for developed parcels with more than the 50% lot coverage. Mr. Brown stated that if a lot is currently over the 50%, then it must reduce the overage by ¼. For example, if a site was at 70% bulk lot coverage then it must reduce the bulk lot coverage by 5% (1/4 of the 20% overage).
- Mr. Carpenter asked if someone comes in to fill a lot in order to remove it from the floodplain through a FEMA Map Change process would that count towards the overall limit on fill. Mr. Brown said yes it would.
- Who would do the flood study for homeowners and Mr. Brown said a Professional Engineer would need to produce this study.
- Mr. Lasley asked historically how many variances have been requested since 2006 Mr. Brown said none.

- Mr. Brown said the code wasn't changed in 2010 so the existing regulations have been on the books since 2006.
- Mr. Blackburn asked if a variance goes direct to council Mr. Brown said yes or it can be referred to SMAC by Council.
- Ms. Harris questions the return period for these storms being every 100 years
- An audience member stated that recent storms were classified by FEMA as 179-year storm Mr. Brown stated FEMA does not Officially say the level of storm after the event.
- Mr. Miles explains that 100-year floodplain is a theory there is no guarantee, so this is a theoretical estimation of a 1% chance of flooding event.
- Mr. Miles 100-year storm flood is being stored in the 100-year flood plain
- Mr. Carpenter refers to all the factors that go into the flood insurance studies.
- Mr. Brookhart 100-year flood is a bad name it should be called 1% annual chance any given year there is a 1% chance for flooding in a given year. Mapping shows the 1% annual chance floodplain but it can happen more than once a year program It allows you to measure risk
- Audience member stated they have never seen this storm event they are penalized with a conservative estimate
- Mr. Brookhart - FEMA sets the bar to qualify for the National Flood Insurance Program (NFIP) and we can analyze to go above FEMA, but we must at least meet the minimum requirements.
- Ms. Harris 99% chance storm will not happen keep in mind we are conservative what is the tangible benefit and the cost current property owners what is the true added benefit. Mr. Brown said the flood insurance payout cost is high and is not fully covered by insurance premiums.
- Mrs. Clevenger - property owners that must pay for flood insurance we must pay for our property's taxes then there are limitations that the City wants to add more.
- Mrs. Clevenger asked who the people are cleaning the streams and drains Crabtree Creek with all this development that is happening they continue to add bridges, and greenways. The homeowner must pay with the cost of Flood insurance that doesn't sound fair. Mr. Brown stated these issues are this group was formed
- Mr. Carpenter flood insurance still hasn't accounted for storms Sandy and Katerina which broke all records and pushed the NFIP away from paying for itself. Fayetteville flooded in places that were not in the flood zone.
- Mr. Lasley requests to see which flooding claims made for flooding for greater than a 100-year storm.
- Mr. Blackburn asked who we are protecting if not the homeowners and you are affecting the adjacent property owners with changes to the floodplain
- Mr. Mulder wondered if we are looking at these owners who are grandfathered .
- Mrs. Clevenger it is going to get worst city council decides we must bear the burden of things we can't control. How are we protecting property owners by limiting them with what they can do? Mr. Brown asked if the existing exemptions are acceptable? Mrs. Clevenger thought the city was being unfair to these property owners with any changes.
- Mr. Brookhart clarified an issue with new development upstream affecting the floodplain. In an instance his old company studied in Virginia, the total development of the entire watershed had less to do with increased flooding during the higher year storms. Increased development in the floodplain, which takes away flood storage, had more of an impact on increasing flooding levels. Wake county maps have future and regulator conditions to highest levels of zoning regulations. Which assumes properties in the floodplains are developed to their current zoning designation.
- Ms. Harris spoke to development outside of the floodplain. Owners are building stormwater ponds holding it back stormwater and the cost for maintenance is substantial .

- Mr. Miles states we can give tutorial on existing regulations of Water Quality, 2-year storm and 10-year storm if needed. The city's regulations require controls for small events (like the 2-year and 10-year storm) but these controls are not large enough and thus not effective for large storms, like a 100-year storm.
- Mr. Blackburn, I see this as two different parts - protection by stopping development is regulation protecting people from living in the floodplain. Ms. Harris is arguing to protect the property owners and the developers.
- Mrs. Clevenger questioned how does the taxpayer money protect her house? Who pays for my house.
- Mr. Miles answered that the NFIP is subsidized by the federal government and that insurance premiums do not cover all of the flood damage losses paid through the program. Mr. Carpenter said that is fair but what is fair to you may not be fair to everyone. There have been changes the city is trying to protect us more than the Federal government by trying to put these regulations in place.
- Mr. Miles refers to Development in the floodway fringe can have a negative impact on downstream flooding. The purpose of a floodplain is to provide storage for flood waters. As the floodplain is developed and filled, the storage is reduced and the flood waters go downstream faster and can cause more downstream flooding.
- Audience member stated that cut trees being left in the floodplain are blocking the flow and it needs to be addressed.
- Mr. Mulder asked about subsidizing flood insurance claims based on the more development effect people downstream. Mr. Brown stated the City has purchased several of those homes but buyouts cannot be required as they are voluntary activities.

Flood Prone Regulations comparison (see attached presentation)

- Ms. Pearce from Wake County -- every locale has the same floodway restrictions.
- Mr. Miles – the FEMA floodplain study is not done in small areas (upstream of 1 square mile drainage area). The City checks for Flood Prone Soils where the FEMA floodplain is not present.
- Mr. Brown said the city currently enforces the FEMA floodplain and the flood prone soils the same.
- Mr. Brown spoke of the importance of elevation certificates.
- Ms. Harris asked if Wake County regulates in future flood hazard area and Ms. Pearce said they do not.
- Mr. Miles asked Mr. Brown to clarify the difference between residential and non-residential. Residential can't flood proof structures but non-residential structures can utilize flood proofing like flood doors .
- Mr. Miles explains public safety is a key reason why residential and non-residential development is regulated differently. When you watch the news people are always being saved from their houses not Walmart. He noted that in the days before Hurricane Florence, The City sent reverse 911 calls to people in the floodplain and many did not even know what a floodplain is, so education is a key component.
- Mr. Brookhart asked if the flood insurance claims that were submitted were broken down between residential and non-residential. Mr. Brown said we don't have those numbers broken down like that, but we can request it.
- Mr. Lasley noted that one difference between Cary and Holly Springs is that Cary doesn't let you plat the lot with floodplain where Holly Springs lets you plat a lot within the floodplain so it doesn't have as much impact on standard lot size.
- Mr. Blackburn asked if new development includes additions and Mr. Brown says it does.

- Mr. Lasley asks what's broken with the City's regulations. Mr. Brown stated the City Council wants stakeholders to discuss it and recommend changes to limit new development in the floodplain.
- Ms. Harris is the council requesting for regulations to be stricter and Mr. Miles stated that the Council motion requested that possibility be looked at by the Stormwater Management Advisory Commission.
- Mr. Birch asked if 'new development' includes additions/renovations, Mr. Brown stated yes that would be included unless otherwise noted.
- Mr. Miles stated roads and other crossing are allowed in floodway areas with an engineering study and the approval of the City and FEMA.
- Mr. Birch clarified that the study must show no-impact on adjacent structures.
- Ms. Harris asked how Raleigh's regulations compare to all of Wake County municipalities?
- Mr. Birch stated that Raleigh's regulations are in the middle.
- Mr. Lasley what is the goal of the stakeholder group?
- Mr. Carpenter stated that flood insurance is based on the 100-year storm elevation and the cost is less depending on how high the finish floor of a residential structure is.
- Mr. Mulder -- you don't have to just look at cost of insurance.
- Mr. Lasley said you must look at cost to taxpayer revenue by restricting building on more land in Raleigh.
- Mr. Mulder stated it was unwise to build at Crabtree Valley Mall in the floodplain and how does any landlord explain to renters on the 1st floor about the increased flood risk.
- Ms. Harris asked if there was any modeling showing exactly what the effects of a new restriction would have on the floodplain. Mr. Miles stated there is not a city-wide study showing that at this time as it would be a substantial effort.
- Mr. Brookhart confirmed modeling could be performed but it would be a 1-2 year process.

Audience Comments

- Kathy Tambke asked, 'if you expanded the floodway, would the fringe be smaller' and Mr. Brown confirmed that it would be smaller. Ms. Tambke wanted to discuss the potential for a new building setback and Mr. Miles stated that discussion would occur at a later meeting.
- Holt Browning still wants the current exemptions unchanged if the fringe restrictions are increased since this is an encumbrance to property owners that will cost them money that was not planned for especially with the current impervious restrictions. Mr. Browning noted that greenways can be built in the fringe and floodway with minimal increase in flood elevation. He stated that over the length of the floodway this minimal increase can add up and projects like these should be held accountable for their impacts. Also, he still wants to know if Lake Crabtree or Umstead Park could ever be used for flood control. He referenced a study from 1991 that had this among its recommendations.
- Mr. Miles – the original City Council motion originating this process was made shortly after Florence and referred to global warming in context of this discussion. The request was to consider whether the city should we make development in the floodplain more restricted now that the risk of large storms is increasing.
- Meeting concluded at 5:04 pm.