



Floodplain Regulations Stakeholder Meeting
Meeting Minutes
June 13, 2019 3:00 pm
Thomas G. Crowder Woodland Center

Members Present: Milton Carpenter, Jon Callahan, Scott Brookhart, Michael Birch, Bob Mulder, Suzanne Harris, Betsy Pearce, Rick Rowe, Betsey Pearce, Peter Raabe (for Heather Keefer) and Matthew Starr

Members Absent: Heather Keefer, Andy Clevenger and Andrew Blackburn

Observers: Holt Browning, Donna Browning, William Service and Mark Senior

City Staff Present: Wayne Miles, Ben Brown, Jennipher Lubik, Ashley Rodgers, Lauren Witherspoon, Laura Johnson, and Dan Mclawhorn

Agenda Overview

Opening Statements

Mr. Miles reflected on previous meetings as education of the floodplain

- Presentation to By Mr. Ben Brown reveling on
 - History of floodplain
 - Property values impacted
 - Undeveloped land
 - GIS Analysis

Presentation with Dr. Barbara Doll on Floodplains and Riparian Buffer Function and Purpose (see attachment)

Questions

- Ms. Harris (example discussed in North Dakota) asked about how long did it take to recapture the cost? Dr. Doll wasn't sure but the major flooding that caused it was in the late 90s.
- Mr. Brookhart brings up the expense of flood insurance premiums.
- Mr. Mulder asked about private insurance policies but those are usually cost prohibitive.
- Mr. Brown brings up the issues for renters since renter insurance is not required for a flood zone.
- Ms. Harris ask what does The City of Raleigh relocating people out of the flood plain in low income areas? Owners are compensated fair market value for homes and renters are relocated to similar housing per federal guidelines.
- Are FEMA payments done with fair market value for the community? All federal grant programs use fair market value based on appraisals.
- Dr. Doll mentions businesses locations could get lower interest loans to relocate.
- Audience question Climate changes effect regarding hurricanes? Dr. Doll discussed on how more hurricanes in the area compared to the 1960's

- Dr. Doll commented how critical it is to provide community support for low income residents to relocate

Presentation with Mr. Ben Brown Property Information for Developed and Undeveloped Land in the Floodway Fringe (see attachment)

Questions

- Mr. Raabe asked about properties city bought through greenway program. These areas were dedicated as easements.
- Mr. Brown mentioned how much of the flood way and floodway fringe is still undeveloped
- Mr. Miles mentions we have 3500 acres in the flood way and flood way fringe 10% is developed
- Dr. Doll commented that the area numbers given are not counting Neuse Buffer areas.
- What are the impacts CRS community rating system flood insurance rates program?
 - Mr. Brown points to Raleigh is a 10 right now, we are looking to be re-rated
 - Mr. Carpenter stated Charlotte is a 4 and the lower the CRS rating is, the lower insurance rates are for citizens.

General Discussion

- Mr. Raabe what do you do when existing properties get flooded maybe we should look in more detail with bigger storms
- Ms. Harris comments on doing buy outs before some lots are even developed and what about properties that have not flooded but the model shows it may
- A question was asked about the timing of the new flood plain maps are for wake county? There still is no update on timing of the new maps.
- Mr. Brookhart brought up a concern about redevelopment and not to completely disregard that.
- Audience Questions: Will there be a time frame to inform property owners for the buy outs? Will there be more money for participation with FEMA? Once a decision is made by the stakeholder group and the Stormwater Commission, these details would need to be worked out.
- Mr. Mulder spoke about keeping the current exemption (the ½ acre could also be exempt that are already platted grandfathered in)
- Ms. Harris asked staff to research the possibility of transferring density credit for developments if they could not develop on any floodplain on their site.
- Ms. Harris asked how are UDO changes handled when notifying homeowners of changes, will there be more notice than the website? Staff stated that the UDO requires public notice through newspaper, but staff will reach out to homeowners directly as presented during the May 9, 2019 meeting.
- Audience comment some owners will be unable to be reached even through tax records
- Mr. Starr states current request is that we keep the current ½ acre lots or less that are undeveloped with the current exemption date of this year (Ben mentions with City attorney approval)
- Current ½ acre exemption applies to all lots not only vacant
- Existing homes could be covered as well.
- Mr. Miles stated staff would work on exemption language and bring it to the July stakeholder meeting.
- Mr. Browning made a comment regarding his property in flood area, but property has never been flooded out.

Mr. Miles proposed moving to monthly meetings and only having three more meetings on the following dates: July 11, August 22 and September 12. This gives the group three more meetings to make recommendations back to the SMAC. The stakeholders agreed to this modified schedule.

Next meeting will be at 3pm on July 11 at the Crowder Woodland Center.

Meeting ended 5:00.

The following was an email sent by Andy Clevenger On 6/14/2019 to the stakeholder group and is included in the minutes:

----- Forwarded message follows -----

Send reply to: <andyclev@nc.rr.com>
From: "Andy Clevenger" <andyclev@nc.rr.com>
To: "Lubik, Jennipher" <Jennipher.Lubik@raleighnc.gov>, "Andrew Blackburn" <AndrewB@RRAR.com>, <heather@wakeupwakecounty.org>, "Rowe, Rick" <rerwakefld@aol.com>, "Betsy Pearce" <Betsy.Pearce@wakegov.com>, "Harris, Suzanne" <SHarris@hbawake.com>, "Callahan, Jon" <Jon_Callahan@jaeco.com>, <Scott.Brookhart@arcadis.com>, <mbirch@longleaflp.com>, <mcarpenter@ncem.org>, <the_real_agent_mulder@mindspring.com>, <praabe@americanrivers.org>
Copies to: "donna browning" <dbrowning4@me.com>, "Brown, David" <dbrown@withersravenel.com>, <wservice3@gmail.com>, <wlambeth@nc.rr.com>, <holtbrowning@wakestonecorp.com>
Subject: RE: Floodplain Stakeholders Meeting Agenda and Minutes
Date sent: Fri, 14 Jun 2019 10:45:56 -0400

Hello and thank you for the email. My schedule prevented me from attending yesterday's meeting and I trust it was fruitful.

I would like to take this opportunity to share a few thoughts and if at all possible I ask that you add to the minutes of this meeting, and if not then the next.

Without solicitation numerous homeowners in my area (Crabtree Creek, south of Crabtree Mall), approached me regarding the these proposals and it should come as no surprise that ZERO, and I mean NO ONE wants any changes made to current regulations and consider any as an assault on property rights. Changes are vehemently opposed and they are quite vociferous about it.

Further, it was brought to my attention by several homeowners that these same SMAC proposals were introduced in 2010 (TC-4-10, see attached) and were bitterly opposed by homeowners and ultimately defeated, and homeowner sentiment has not changed since then.

In October, 2010, the planning commission recommended denial of TC-4-10 and recommended evaluation of alternative approaches and ensure that the full impacts of any future proposed changes have been fully analyzed, noting that a 2006 amendment to the flood prone area regulations, aka TC-22-04, was approved "under the radar" which undermined public confidence in the negotiation process with the city, which is why we are holding these meetings, but it's important to note other reasons why it was denied:

- “There was lack of proof that the 2006 ordinance was not working, thousands of developed properties, even with the “grandfather” clause, and opportunities for variances would cause practical and economic hardships and personal difficulties.” No change today.
- “Alternatives, such as limiting development to low flow obstruction or other reasonable alternatives were not considered.” Nothing presented thus far during these meetings.
- “Variances would be time consuming to both the applicant and City Council, and this approach would create uncertainties and would be expensive.” Still stands today.
- “City should consider alternative approaches, ensure that the full impacts of proposed changes have been analyzed, that the community benefits of the proposed changes are clearly articulated and that a public notice and outreach program is undertaken prior to scheduled public hearings”. Where are we on alternative approaches? Any impact studies done and analyzed ?

In summary, we are heading down the same path as before yet nothing has changed from the homeowners’ perspective. There have been no presentations of alternatives, only alluding that a few alternatives were dismissed due to the prohibitive expense.

But what about the expense borne by homeowners’ in the flood prone areas? These proposals would be prohibitively expensive as well, including but not limited to significant declines in property values, destruction of any future financial planning, plans for renovations/improvements, retirement planning, estate planning, etc. There are far too many negative consequences to list but it is crystal clear that additional regulations would be catastrophic for homeowners and are thus opposed.

Homeowners’ request that not any changes be made and no “grandfathering” of any kind, which is nothing more than kicking the can down the road to the next property owner/heir, which would significantly damage “current” property values as all markets are “forward looking”.

Instead, homeowners ask the City to acknowledge that prior development in and around the Crabtree basin is in large part what created the current flooding levels, not climate change or homeowners within the floodway and floodway fringe, and that said homeowners should be recognized as “victims of progress” and should therefore not be a target for regulations.

Finally, we request the City turn its attention to improving erosion mitigation controls and techniques, cleaning/dredging the creek and not burden homeowners with punitive regulations that will ultimately destroy homeowners’ financially per destruction of property rights and reduced property values.

In summary, nothing has changed since TC-4-10 and homeowners want all current floodplain regulatory considerations to be abandoned.

Please enter this into the meeting’s minutes if at all possible.

Sincerely,

Andy Clevenger
2913 Claremont Road
Raleigh, NC 27608
Homeowner’s representative