



Floodplain Regulations Stakeholder Meeting
August 22, 2019
3:00 pm
Thomas G. Crowder Woodland Center

Members Present: Milton Carpenter, Jon Callahan, Scott Brookhart, Bob Mulder, Suzanne Harris, Betsy Pearce, Rick Rowe, Heather Keefer, Andy Clevenger and Andrew Blackburn

Members Absent: Michael Birch

Observers: Donna Browning and James Rich

City Staff Present: Wayne Miles, Ben Brown, Jennipher Lubik, Ashley Rodgers, Jonathan McNeill, Laura Johnson, and Dan McLawhorn Assistant City Attorney

Opening Statements

- Mr. Miles reviewed last meeting discussion of the 5 SMAC recommendations.
- Mr. Miles reminds everyone that last meeting approved grandfathering and exempting existing lots.
- Mr. Miles discusses guidelines to be followed while voting on the SMAC recommendations.
- Mr. Miles discusses upcoming event continuing public education of the floodplain on September 12th at North Carolina Science Museum (after Stakeholder Meeting).

Floodplain Communications Presentation

Mr. Miles explains how survey data was collected

- Mass Mailing and Emailing using Public Utility Billing Database
- Used Map to collect addressing in the Floodplain with 2-foot vertical elevation
- Social Media (Facebook and Twitter)
- City of Raleigh Website
- ABC 11 News story

Overall results

- 420 completed the survey
- 90% were familiar or aware of the floodplain
- 54% had no idea of floodplain regulations
- 72% lived in or near floodplain
 - Of those living in or near floodplain
 - 21% had contacted the city with flooding issues
 - 36% somewhat familiar
- Large amount of detail comments, Stakeholders can use the emailed link to view all the individual comments.

Mr. Miles reviews original SMAC recommendations

1. No new Development in the floodway fringe.
2. Change current 50% substantial building valve restriction to 30%.

3. Use 2 vertical foot building restriction line for newly platted residential lots.
4. Maintain dry access to all habitable structures during the 100-year flood event for all.
5. Require local detailed flood studies for all unstudied streams draining 25 acres or more.

Exemption Language from last meeting presented

- Mr. Clevenger asked is there a template for informing all the floodplain residents who would be affected by these new regulations? Mr. Miles explains we have a mechanism to contact them now.
- Audience member asked - How does it effect if your lot is bigger? If recorded before May 2nd of 2006 it falls under the current 50% fill rule.
- Mr. Rowe asked 2 lots owned in the floodplain and you purchased 1 a new lot in the floodplain and you recombine into 1 will that be grandfathered in. No, it will be a new recombination all based on recordation date.
- Mr. Brookhart stated so if you have existing property you want to change it to something new then new regulations apply
- Mr. Miles states if you have a 5-acre lot with a home on it, if it stays needs to stay five acres you stay under the old regulation. If subdivided into 10 ½ lots the original lot with the house on it will be exempted when all other lots would not be.
- Ms. Harris questions if a parcel is partially in the floodplain, can the original density be maintained for the entire parcel? Mr. Miles yes, the development density can be shifted to the portion of the parcel that is not in the floodplain. For example, for a parcel zoned R-4 with 10 acres, if two acres is in the floodplain, then the parcel could still be subdivided to build 40 homes within the remaining 8 acres.
- Mr. Miles will write the “allowable density” on both options for voting to clarify this intent.
- Mr. Miles leads dialog into the mitigation program asking if there be any recommendation regarding some type of buy-out/ hazard program.
- Mr. Miles states will write the allowable density language with help of Planning Department staff.
- Mr. Carpenter asked if there would be a large area in the floodplain open will it be recorded? Yes, if new platted areas are out of the floodplain like in Cary.
- Ms. Harris refers to # 1 in the stakeholder recommendation, and possibly restricting all new development in floodplain (like Wake County) so you will be more restrictive in the floodway fringe? Mr. Miles refers to Ms. Pearce in Wake County and Ms. Pearce states the Floodway rules apply to the fringe in Wake County. Ms. Pearce states Wake County won’t allow building in the floodway fringe, but it can be platted.
- Ms. Harris will this covered platted lots? Yes, if platted lots that meet requirements.
- Mr. Rowe What about properties that the house was built on 2 separate lots in the floodplain can that be recombined? Any recombination as it is written would be subject to new regulations.
- Mr. Callahan highlights that there are still many properties with this issue by the beltline sometimes just recombining to add a deck. Maybe to indicate to take a non-conforming into a conforming lot would be exempted too.
- Mr. Rowe recombining greater than 2 1/2-acre lot expansion if your recombination 50% allowance.
- Mr. Brookhart if we owned a 100-acre lot in the floodplain can we buy a 1/2 acre with existing house grandfathered in can add it to the existing Grandfathered 100-acre lot. No subdividing parcels would make the new parcels subject to the new rules.

- Ms. Harris recommended adding 'Recombined lots' to verbiage to allow these to utilize exemptions. Staff agreed to draft language. Recombination language will be written into the proposed exemption language.

Mr. Brown gave a presentation further clarifying definitions in *SMAC Recommendation #1*

- Choices for development could restrict newly platted lots (after effective date of ordinance) or restrict any new development in floodway fringe.
- Mr. McLawhorn the Attorney commented that there are some instances where people should be allowed for repairing existing structures, handicap access because of changes. Mr. Miles states there is a variance process that will remain in place.
- Ms. Harris discussed the difference between platted or not platted in floodplain.
- Ms. Keefer stated in Holly Springs you could plat in floodplain but you had to have the 2 feet above floodplain in height.
- Ms. Pearce stated that Mortgage Lenders can require you to have flood insurance based on your elevation. Even if your neighboring lot is in the floodplain and you're not.
- Ms. Keefer would you allow structure in the floodway like Cary? Staff stated there would be no changes to allowance for the Floodway.

Mr. Brown then gave Stakeholders information requested at last meeting concerning the remaining SMAC recommendations

SMAC Recommendation #2 was previously discarded from further discussion at the July meeting.

SMAC Recommendation #3: Use 2 vertical foot building restriction line for newly platted residential lots

Mr. Brown showed various maps showing the difference between the current floodplain limits and adding 2 vertical feet to the limits to create potential building setbacks

- Mr. Brookhart states extending the limits gains us a cushion with the blue area.
- Mr. Clevenger do 50% of blue area instead of the whole.
- Ms. Harris what is the science of 2 feet elevation? Staff states the 2 feet is consistent with current height restriction for finish floor elevation for residential structures.
- Mr. Brookhart stated that 2 feet above in elevation adding another layer of protection
- Ms. Harris why more restrictive? Safety was the thought behind this recommendation.

SMAC Recommendation #4: Maintain dry access to all habitable structures during the 100-year flood event for all

Mr. Brown stated that NCDOT would not have an issue with NCDOT maintained roads in the City of Raleigh adhering to this standard, in fact it may make maintenance easier in some instances.

- Ms. Harris does this count private driveways or just the roadways?
- Mr. Mulder only public access, for private access make homeowner responsible for their driveway access.
- Ms. Harris, I think only public access.
- There was general discussion about Private vs. Public restrictions

SMAC Recommendation #5: Require local detailed flood studies for all unstudied streams draining 25 acres or more

Mr. Brown showed the difference between a 25 acre drainage area vs. 100 acre drainage area (current standard for study)

- Mr. Brookhart stated this would affect all points of discharge draining more than 25 acres not just streams or creeks.

- Ms. Keefer state that Holly Springs went from 100 to the 25, because of the flashy watersheds.
- Mr. Miles suggest Raleigh can perform a mapping effort long term for these smaller areas.
- Ms. Keefer asked if this would supersede buffer rules? Staff stated it would not but would extra protection if buffer rules were rescinded at a State level.
- Mr. Brookhart stated this would give more mapping higher in a given watershed.
- Mr. Carpenter asked would these studied areas then carry the flood regulations? Staff stated that these areas would have same flood regulations.

Voting Results on SMAC Recommendations

1. No new Development in the floodway fringe.
 - 4 votes – Extend floodway restrictions to floodway fringe
 - 4 votes – No new platted lots in the floodway fringe
 - 2 votes – no change in current regulations
2. Change current 50% substantial building value restriction to 30%.
 - 10 votes – Against this recommendation
3. Use 2 vertical foot building restriction line for newly platted residential lots.
 - 4 votes – In favor of this recommendation
 - 6 votes – Against this recommendation
4. Maintain dry access to all habitable structures during the 100-year flood event for all.
 - 7 votes – Maintain dry access for new public roads
 - 3 votes – Maintain dry access for new private and public roads
5. Require local detailed flood studies for all unstudied streams draining 25 acres or more.
 - 4 votes – In favor of this recommendation
 - 6 votes – Against this recommendation

- Any additional question can be sent by e-mail to staff
- No one from the public requested to speak
- Next meeting September 12th at 3pm in the Crowder Woodland Center
- Meeting ended at 5:02pm