



PROPERTY MANAGEMENT | DEVELOPMENT

A Davis Real Estate Company

### **10.31.2019 - Public Comment for the 2020 Draft QAP**

The current language on page 15 (item V. K. 2. i.) in the 2020 Final Draft QAP regarding wetlands and flood plains is too restrictive. Many highly desirable sites contain smaller amounts of wetlands or flood plains that would not in any way negatively affect the development or future residents.

On a large development site, it is not uncommon to have a smaller portion on the side or corner have either some wetlands or flood plains. This does not mean that the site is undesirable or that it cannot be developed in a way that is both economical and environmentally responsible.

We urge SC Housing to return to the 2019 QAP language where so that as long as 80% of the site is buildable, all counties in SC are treated equally.

It may also make sense to separate wetlands and flood plains as 2 distinct issues. Wetlands are areas that contain specific plant and animal species and are often habitually wet with standing water. Flood plains are merely areas that have the potential to flood in an extreme event, but otherwise have no distinction from the rest of the site.

## **Flood plains:**

Most areas that show up on FEMA flood maps are near creeks or rivers simply because they have the *potential* to flood. Many luxury market rate apartments are purposely built adjacent to creeks and rivers which are viewed as a positive amenity to the residents. Downtown Greenville, Columbia, and Charleston all have many recently constructed luxury apartments built near rivers and creeks. Many towns and cities in SC are located where they are specifically because of a river. The major city downtown areas are where many jobs are found.

The due diligence process for financing, syndication, and insurance will properly vet that any flood plains are properly addressed in the design and construction of the new multifamily project. In addition, most jurisdictions have detailed ordinances and requirements governing new construction in flood plains. Furthermore, in the state of South Carolina, DHEC must approve all new stormwater systems to ensure they properly mitigate water issues. FEMA also has requirements for any construction within flood zones. There are already sufficient measures in place by various other state and local government entities to ensure newly constructed developments will not be affected by potential flooding. SC

Housing can rely on these other governmental agencies, as well as financial institutions investing millions of dollars to make determinations as to what is appropriate.

If a portion of a site is in a flood plain, one common solution is to simply leave that portion of the site undisturbed. On a larger site, this is usually the simplest option. Another solution for flood plains is to import fill dirt or utilize onsite grading to lift some or all of the site above the potential flood plain.

All sites require site work, including grading to height and stormwater installation. Typically, site work and purchase price are related. Utilizing the new 5 factor cost analysis will ensure that any site work costs, including those to raise a portion to grade above flood levels, will be reasonable and managed within the total development cost framework.

The language as it currently appears in the Final Draft QAP is too restrictive and would disqualify any site that has any amount of land, however small, within a flood zone.

Below is an example of an 11 acre site just north of Asheville NC that has some of its portion of land within a flood zone do to a small nearby river. Note that the topography of the land slopes upward so that 8 acres of the site are 30 to 75 feet in elevation *above* any potential 500 year flooding. As can be seen in the 3 photos, many single-family homes are next to the river and that the area is considered highly desirable. A multifamily development on this site would not in any way be negatively affected by the nearby river.

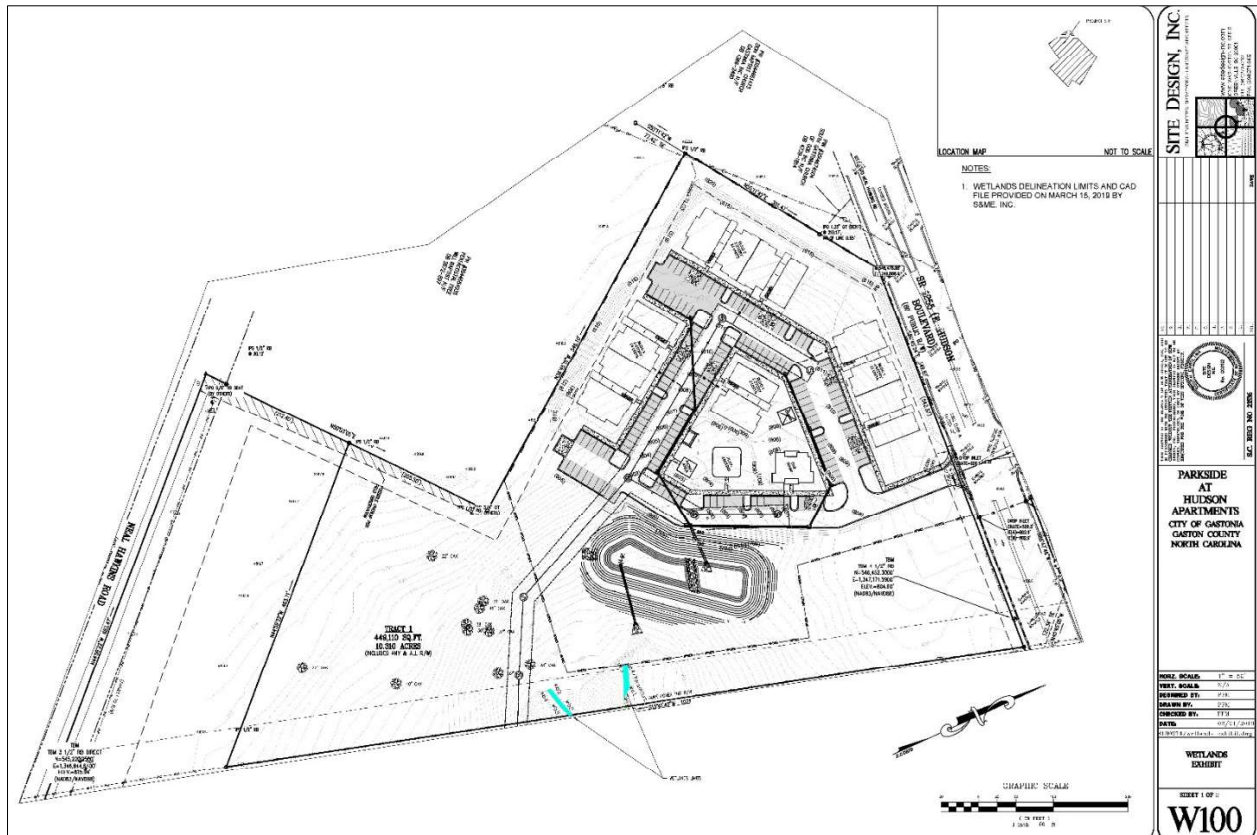




# Wetlands:

The image that is conjured in the mind is that of a pristine Everglades with abundant wildlife. We have two recent examples of sites in which the identified wetlands were little more than glorified drainage ditches where neighboring property owners developed their properties in a day and age before stormwater control was mandatory. The 2014 Parkside at Boulevard award in Orangeburg, SC had a small amount of wetlands identified by the Army Corps of Engineers essentially due to insufficient drainage in its undeveloped state. The development plans were modified slightly and the Army Corps of Engineers approved the development to proceed. The 2018 Parkside at Hudson award in Gastonia, NC is a 10.31 acre site on which there were a tiny amount of wetlands identified at the bottom of a drainage gully.

In the image below, the wetlands identified by the Army Corps of Engineers are highlighted in light blue at the bottom of the exhibit. Note, the wetlands are also outside of the grading “limits of disturbance”. Part of the requirement by the North Carolina Housing Finance Agency is that the wetlands remain undisturbed and a protective covenant be placed on the wetlands. This exhibit was used in the restrictive covenant for the wetlands.



# Carving Out Flood Plains and Wetlands

Often a developer cannot simply subdivide a site to eliminate flood plains or wetlands because

- (A) the total acreage calculation is necessary to achieve zoning requirements (i.e. “12 units per acre”), or
- (B) the local municipality has a minimum lot size requirement preventing small lot be subdivide out of a larger parcel
- (C) the seller does not want to retain the wetlands or flood plain areas.

In the exhibit above, note that the entire site acreage is 10.31 acres, but only about 5.5 acres will be logged and graded. The rest of the acreage was left undisturbed but was required to obtain the density of 8 units per acre per local zoning standards with the City of Gastonia.

Almost any site with a small creek could be flagged for potential flooding or wetlands. A prohibition against any site that contains a creek or drainage ditch would be overly prohibitive and eliminate vast amounts of sites from consideration. Thank you for your consideration on this issue.