Draft Flood Protection Strategy and Policies

Special Meeting of the
Valley Branch Watershed District
November 27, 2018
Topics

• Provide:
  – Brief background on flooding and past VBWD flood mitigation attempts for the Sunnybrook Lake neighborhood
  – Overview of proposed strategy and related policies

• Goal:
  – Answer questions on strategy
  – Ultimately, VBWD Board will make a decision (likely at a future regular meeting)
The Sunnybrook Lake neighborhood

- **1960s**: Subdivision platted by Washington County
- **1962-1975**: Homes constructed
- **November 1968**: VBWD established
- **1972**: VBWD adopted rules pertaining to developments
Keats Avenue, June 1985
Jocelyn Road: May 25, 2017
Identified Options

1. Do nothing
2. Prepare emergency operations plan (e.g., sandbags, portable toilets, etc.)
3. Implement flood risk reduction projects at the low homes (e.g., raise homes, berms and sump pumps, walls and pumps, etc.)
4. Buy out the low homes
5. Implement a project to lower flood levels
Identified Options

1. Do nothing
2. Prepare emergency operations plan (e.g., sandbags, portable toilets, etc.)
3. Implement flood risk reduction projects at the low homes (e.g., raise homes, berms and sump pumps, walls and pumps, etc.)
4. Buy out the low homes
5. Implement a project to lower flood levels
Draft Protection Strategy

• Focused on homes
• Voluntary
• If adopted, will apply to Sunnybrook Lake neighborhood and elsewhere
• Groups homes into categories:
  – **Category 1:** Lowest of low
  – **Category 2:** Higher of the low
Category 1: Lowest of the Low Homes

- Located within a landlocked system, and
- Have experienced repeated flooding and/or require flood protection to prevent flooding, and
- Have a minimum floor elevation below the 20 year-flood level

**Applicable Draft Policy:** Draft voluntary home purchase policy and right-of-first-refusal document
Category 2: Higher of the Low Homes

• Located within a landlocked system, and

• Have a minimum floor elevation above the 20-year flood level and below the 100-year flood level

• **Applicable Draft Policy:** Draft *voluntary* flood protection policy and an associated flood protection agreement
## Category 1: Lowest of the Low Homes
Homes in neighborhood with lowest floor below 5% probability (20-year) flood level

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Owner</th>
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</thead>
<tbody>
<tr>
<td>6890 Jocelyn Road</td>
<td>Len and Lillian Horejsi</td>
</tr>
<tr>
<td>6908 Jocelyn Road</td>
<td>Nancy and Peter Schwartz</td>
</tr>
<tr>
<td>7150 Jocelyn Road</td>
<td>Steve and Karen Keene</td>
</tr>
<tr>
<td>6920 Jocelyn Road</td>
<td>Gary and Phyllis Holborn</td>
</tr>
<tr>
<td>6921 Jocelyn Lane</td>
<td>Victor and Phyllis Klindt</td>
</tr>
<tr>
<td>7081 Jocelyn Lane</td>
<td>Lenida Sandahl</td>
</tr>
<tr>
<td>6738 Jocelyn Road</td>
<td>Gary and Mary Wisbar</td>
</tr>
</tbody>
</table>
Category 2: Higher of the Low Homes
Homes in neighborhood with lowest floor below 1% probability (100-year) flood level and above the 5% probability (20-year) flood level

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>6782 Jocelyn Road</td>
<td>Jeffrey and Cheryl Kargel (home not surveyed so elevation is assumed based on topographic mapping)</td>
</tr>
<tr>
<td>6969 Jocelyn Road</td>
<td>Michael and Candice Kraemer (selling contract for deed to Brandon and Jennifer Sundberg)</td>
</tr>
<tr>
<td>6922 Keats Avenue</td>
<td>William and Alisa Bonta (home not surveyed so elevation is assumed based on topographic mapping)</td>
</tr>
<tr>
<td>7080 Jocelyn Road</td>
<td>Robert and Joyce Kisch</td>
</tr>
</tbody>
</table>
**Category 3: High Homes**
Homes in neighborhood that appear above the 100-year flood level and below ultimate overflow elevation of floodplain

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Owner</th>
</tr>
</thead>
</table>
| 7020 Jocelyn Road*     | Robert and Carol Rogalla  
(not surveyed; estimated ground at low entry is higher than 100-year flood level, but lowest floor might be lower) |
| 9653 68th Court*       | Greg and Angela Wentz  
(post connecting deck to house is at 100-year flood level, basement is lower) |
| 10174 67th Lane         | Ralph and Judith Steiner  
(not surveyed; estimated ground at walkout is higher than 100-year flood level) |
| 7121 Jocelyn Lane       | Wayne and Virginia Sanderson  
(2 feet higher than 100-year flood level) |
| 6825 Jocelyn Lane       | Jesse and Ashley Sabean  
(not surveyed; ground appears 2 feet higher than walkout) |

*These homes might be grouped with Category 1 or 2 homes, after more information is known*
Category 1: VBWD’s use of purchased property may include but is not limited to:

• Razing the home, and/or:
  – Selling the lot with restrictions assuring a new building be constructed at the appropriate elevation;
  – Selling the lot to neighboring homeowners with the restriction to not build on said lot; or
  – Continuing to own and maintain the lot for reasons consistent with the District purposes as outlined in the Statutes of Minnesota.

• Using the lot for wetland banking or other purposes (e.g., excavate to create additional flood storage); or

• Modifying the home to make it compliant with current acceptable floodplain levels.
Category 2: If property owner agrees, VBWD may:

1. Enter into a Cost-Share Agreement
   The terms shall clearly state that the property can and likely will flood, but the measures installed are intended to minimize the risk of flooding. The cost-share program shall cover a percentage of either:
   - constructing a berm and pumps, such that the top of the berm is at least 2 feet higher than the 100-year flood level, or
   - raising the home to an elevation at least 2 feet higher than the 100-year flood level.

2. Assist in the design of flood risk reduction measures
   The homeowner will be responsible for preparing the plan, submitting it to the VBWD for review, obtaining a VBWD permit, hiring a contractor, giving the VBWD an easement up to the 100-year flood level, and submitting receipts for reimbursement. The VBWD may assist the homeowner in obtaining permits from the DNR.

3. Support Washington County’s Emergency Response Plan
Individual Home Protection
Example
Sump pumps, as shown here, are placed in collection pits at the lowest point inside the levee. They pump collected rain or seepage water to a point outside the levee.
Individual Home Protection Example

An exterior floodwall can protect a window well or stair against low level flooding. Constructed of concrete or masonry, the walls should be supported by and securely tied into a footing so they will not be undercut by scouring. Understanding your particular flood situation and soil conditions is important in order to properly evaluate if a flood wall is the right solution for you. Flood walls are not effective when the ground becomes saturated.
Discussion
Questions received prior to special meeting

Q1: The development above Sunnybrook (roads, homes, etc.) causes this small lake to flood and the development will not stop. Putting a permanent outlet on Keats would relieve most of the overflow.

A1: VBWD has studied various options for addressing upstream development and for creating a permanent outlet from Keats Pond. None is viable when comparing the cost to the benefit.
Questions received prior to special meeting

Q2a: FEMA has designated our home along with the other homes in the Sunnybrook neighborhood **ALL** to be at risk for damage due to flooding. If the mission statement of the VBWD is to help homes designated by FEMA to be in the high flood risk area, then we would expect the VBWD to help in some manner **ALL** homes.

Q2b: Will the VBWD help **ALL** Sunnybrook homes designated by FEMA to be in the high risk floodplain? If not, why?

A2: If the owners wish to work with the VBWD, the current plan would provide assistance to all owners of homes below the 100-year flood level.
Questions received prior to special meeting

Q3a: What were the specific criteria used to determine which homes were to be helped and which were not?

Q3b: Please explain the rationale behind the draft policy to split flooded homes into categories of “homes below the 20-year flood level” and “homes below the 100-Year flood level and above the 20-year flood level.”

– Will the District also consider a buyout program for properties above the 20-year flood level but below the 100-year flood level if the property owner’s feel the District’s “home focused” mitigation plan leaves too much health, safety and welfare impact unaddressed for the property owner to continue living in the flood way?
Questions received prior to special meeting

A3: Through the interviews this summer, the VBWD learned that many in the neighborhood have not experienced flooding nor have they had to protect their homes from floodwaters. The homeowners who have had to protect their homes from floodwaters are the “lowest of the low.”

However, the VBWD Managers might consider offering to buy out homes that are above the 20-year flood level but below the 100-year flood level if it is an overall benefit to the VBWD, as determined by the VBWD. However, there are over 100 homes in the VBWD that are below the 100-year flood levels of the adjacent low area. The VBWD Managers do not feel the VBWD taxpayers would want the VBWD to buy out all of these homes, especially since many have never experienced any flooding. Therefore, the VBWD is concentrating on those homes that are low and have needed flood protection in the past.
Questions received prior to special meeting

Q4: At an earlier meeting a board member, Dave Sewell, discussed only funding the most cost effective plan to minimize damage due to flooding. As an example, if a home owner requested raising their home while a berm could be installed for a lesser cost then the berm should be prioritized. If this opinion still holds, why purchase a home valued at $500,000 when installing a $50,000 berm/pump system for this home along with nine other homes could be installed for the same total cost to the taxpayer? With this approach ten homes could be helped instead of only one home.
A4: The Managers are focused on both flood protection and utilizing cost-effective measures. In some circumstances, the most cost-effective method to address flooding of a home may not provide the long-term protection the Managers and property owner are seeking. Therefore, a berm or floodwall may not be an appropriate method of flood-protection for all properties.

For example, it would be difficult to construct a levee or waterproof floodwall for protection on some lots because space constraints, the levees or floodwall would need to be very high, and there is uncertainty if they could protect the home for long periods of time. Raising the lowest homes is also problematic on some lots.

Removing the lowest homes may be considered the best solution under the circumstances by the Managers for certain homes.
Questions received prior to special meeting

Q5a: When would the Valley Branch Watershed District be ready to begin talks with neighbors who are interested in voluntary home purchases?

Q5b: When can we expect this to happen? The appraisals? How much time we would have to find a new home and move out?

A5: If this strategy is adopted, the VBWD would begin talks with those who have indicted interest immediately in 2019. With the right-of-first refusal, the timeline for when the homeowners would move would be negotiated between the property owners, the VBWD Managers and its attorney.

The Managers currently only have enough money in their draft 2019 budget to potentially buy one home, and maybe start the process on another. If there’s a lot of interest in 2019 to sell homes to the VBWD, the Managers will need to discuss what funding options are available to the District.
Q6: Will there be a time limit (or a time frame) for people to act (for example, funds would be available for home purchases between July 2019 - June 2020 but after that time, monies would have to be allocated for other needs)?

A6: No. One purpose for creating any policy is for it to be long-term and set guidelines for future Managers. If a home meets the criteria established in a policy sometime in the future (if a policy is approved by the Managers), then the Managers will have the option of negotiating with the property owner to purchase the home.
Questions received prior to special meeting

Q7: Please explain the rationale behind the draft policy to limit the level of VBWD cost participation in flood mitigation plan to 1/3 of project costs and/or 25% of structure assessed value? It seems the values may be arbitrary and very low based on precedence used on other flood mitigation projects within the District. The proposed participation formula does not reflect the land value component of each parcel’s value and as a result does not totally reflect the financial impact to the parcel imposed by the flooding.

A7: That is not what the draft policy says. The Managers have not decided on any details of a potential VBWD financial contribution. If the Managers move forward with the draft strategy, they will need to determine what percentage (0-100) that they might contribute in the cost share program and other criteria.
Questions received prior to special meeting

Q8: Related to the flood protection policy: How will the flood mitigation method and level of cost participation be determined?

A8: The Managers have not discussed these details.
Questions received prior to special meeting

Q9: ...the concepts of flooded roads/property and impaired emergency services, impacts the entire neighborhood. Shouldn’t these be part of an overall flood mitigation plan? Please explain the reasoning behind the strategy to focus on homes and not include the concerns related to roads and property.

A9: The VBWD is not the road authority. The VBWD program does not preclude the City of Grant or Washington County from implementing projects to address low sections of roadways. Furthermore, the draft VBWD strategy is a voluntary program that will be implemented over multiple years, possibly over decades. VBWD does not intend to use its condemnation powers to forcibly purchase homes. Therefore, VBWD does not know which homeowners will agree to having their home purchased. Purchased lots might give more options for addressing low sections of roads.
Questions received prior to special meeting

Q10: Item 3.d indicates “Create an Emergency Response Plan.” Should it be assumed this is intended to imply that the District will implement such a plan prior to anyone signing the agreement? If the terms of this document are meant to be binding, and in the spirit of transparency and full disclosure please elaborate on the District’s intent related to the timing, scope, and execution of the proposed Emergency Response Plan. What will the plan look like? Who will be party to it? What knowledge or input will the residents of Sunnybrook Lake neighborhood have in the development of this Plan?

A10: No. An Emergency Response Plan should be developed primarily by the City of Grant and Washington County as they have the resources and jurisdiction to implement any Emergency Response Plan. The VBWD will continue to work those entities as they develop the Emergency Response Plan. Residents should connect with the city and county to provide input, if they wish.
Q11: Does VBWD plan to establish a flood water pumping program as part of its role in the Sunnybrook Lake Flooding Emergency Response Plan? If yes, what will it entail and what is the timeline for such a plan? If no, what is the proposed alternative plan for reduction in flood levels? (It is our understanding the Indian Hills Golf Course is open to discussions related to long term flood mitigation relief.)

A11: To reduce the duration of flooding in the neighborhood, the VBWD may continue to work with Indian Hills Golf Course to pump water from Keats Pond, but neither the VBWD nor the Indian Hills Golf Course can guarantee that pumping can or will continue into perpetuity. The VBWD does not plan to reduce the flood levels in the area, as any project to do this would cost more than purchasing the low homes and cannot be guaranteed to provide flood protection to all homes.
Q12: Related to the following clause of the draft right-of-first refusal policy:

In the event the District chooses not to exercise its option to purchase the property, the District shall sign a Cancellation of Right of First Refusal Agreement and the Owner shall be free to market his/her property free and clear of any interest of the District.

Is there any chance that this clause could cause the property owner long term problems? For example, if after years of high water, the District cancels their right of first refusal, the property owner may now be stuck with a property of decreased value caused by a history of area flooding, plus they will have been impacted by years of flood insurance premiums paid. Please elaborate.
A12: In the scenario presented, the property owner would be in the same position as if the Right-of-First-Refusal Agreement (RFRA) had never been signed.

A RFRA does not change the flood determination of the property or the value of the property. Furthermore, the RFRA does not a guarantee of a sale price. The fair market value of the property is determined by many factors, including the factors mentioned in the question (i.e., history of flooding, flood insurance, etc.). These factors, and the fair market value of the property, do not change because a RFRA has been signed or cancelled.
Questions received prior to special meeting

Q13: Where is the funding for the project coming from? What is the percentage breakdown in cost between the Watershed district, federal money, state money, local money and home owners? How much will the home owners be accessed on their taxes? Please provide the specific assessments for Category 1, Category 2, Sunnybrook neighbors, and Valley Branch Watershed homes.

A13: The VBWD intends to fund the project. The VBWD plans to use its ad valorem taxing authority, meaning all property owners in VBWD (whether in the Sunnybrook Lake neighborhood or in other parts of the VBWD such as Afton, St. Mary’s Point, Lake Elmo, West Lakeland Township, North St. Paul, etc.) would fund the project. A $500,000 VBWD levy costs a $400,000-valued property approximately $43. Grants would reduce the cost to the VBWD taxpayer. Therefore, the VBWD will review available federal, state, and other grants and will apply for those in which the VBWD would have a good chances of securing.
Questions received prior to special meeting

Q14: *Will the home owners be allowed to vote before the project is approved? If not, why?*

A14: No. Homeowners vote for county commissioners who appoint the Managers to the VBWD Board. The VBWD Board approves projects after discussion at open and public meetings.

Managers’ contact information is on the VBWD website, and they are available for the public to contact and provide commentary on any proposed project of the District. Additionally, the public are always welcome to attend or listen to the public meetings of the District. Time is set aside at every regular meeting held by the District for public comment.

The current proposal is a voluntarily program. The homeowners have had several opportunities to provide input, including one-on-one meetings and emails and telephone conversations, VBWD meetings, voting for commissioners, etc.
Questions received prior to special meeting

Comment: To flood proof and permanently remove our home from the high risk flood plain we are requesting the Watershed district for the following:

• Assistance from Barr Engineering in submitting a LOMA to remove our home from the high risk flood plain (zone AE)

• Watershed District to pay 100% cost for a final Elevation Certification from Cornerstone Land Surveying.

• Cost sharing from Watershed district to detach deck from house and raise support posts if needed.