

Good afternoon, Chairman Shaw and Commissioners –

I am reaching out to ask that the Planning Commission postpone Item B-12 Flood Regulations to require that planning staff ensure

1. all federal and state floodplain management standards are met,
2. federal and state review procedures have been followed,
3. that the City will be fully compliant with all FEMA requirements so citizens can obtain federal flood insurance, and
4. to institutionally design governance checks and balances so that “director determination” does not risk establishing a de facto policy making process with a single point of influence.

It is in all interests to postpone this proposed ordinance change to ensure engagement with all stakeholders and compliance with all federal and state regulations, statutes, and laws. Once finalized, outreach should be carried out to ensure that Austinites know LDC code changes will not put them in flooding danger or prevent them from buying affordable flood insurance.

What is most troubling about this proposed ordinance change is Section A (1) and (2):

§ 25-7-93 GENERAL EXCEPTIONS. 4 (A) A development application with a proposed building or parking area that 5 encroaches on the 100-year floodplain may be approved if the encroachment is: (1) a parking area that is smaller than 5,000 square feet or an unoccupied structure that has an area of less than 1,000 square feet, and the director determines that the proposed development: (a) will not have an adverse effect on the 100-year floodplain or surrounding properties; and (b) otherwise complies with the requirements of this title;

Without ensuring the first three concerns listed above are met, staff is not mitigating the peril that:

- Austin will fail to meet FEMA requirements for citizens to be able to buy federally subsidized flood insurance, and
- Allow additional impervious cover that will potentially cause flooding downstream in the flood plain.

It was only last week that the proposed revised ordinance became available to the public. All that has been posted in Backup is last week’s ordinance draft and a slide deck. The slide deck makes no mention of carrying out policy analysis to ensure that concerns 1-3 above have been met. In the procedures followed section of the deck, there is no mention of when federal or state review will occur or recognition of federal and state stakeholders. There is no mention of SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) having been done, much less the results of the analysis. If, on the chance that this analysis has been performed, then why hasn’t it been shared with the public who have the most to lose in this matter?

Respectfully, several Planning Commissioners have moved to Austin from elsewhere and have not experienced the real fears of flooding Austinites face. Many Austinites remember floods in 1981 and 2015 taking lives and caused property losses. These events are traumatic. Ten percent of Austin lies in floodplains, which means a significant number of Austinites are very concerned about obtaining federally subsidized flood insurance. I realize that several Planning Commissioners do not own their

residences and have not experienced these concerns. Nonetheless, I ask that you empathize this time with Austinites who own single family homes in considering any resolutions to change the LDC that involve the floodplain.

This LDC amendment process regarding the floodplain has already included Environmental Commission review. While the EC passed this resolution to change the LDC ordinance, it was not in their purview to deal with governance issues or intergovernmental compliance. Commissioners Sheih and Anderson have proposed that a Planning Commission joint committee become a sort of “think tank.” If this is the case, then it is most certainly in the PC’s purview to consider matters of good governance and administrative design and create decision making checks and balances to ensure integrity. This Planning Commission, should it really want to be a “think tank” must address the planning and public administration realities that Land Development Code changes involving floodplains and flood management are intergovernmental problems and challenges. Intergovernmental problems and challenges are wicked problems that require time, effort, and public engagement at both the municipal, state, and federal levels.

This is too important a matter of public safety to not devote the time and attention required to create effective, equitable, and public policy without perverse second and third order effects. Postpone this item.

Sincerely,

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District 7