

Kenai Peninsula Borough

Flood Plain Task Force
May 15, 2009
6:00 PM



Cooper Landing Community Hall
18511 Bean Creek Road, Cooper Landing

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April 29, 2009 Minutes

Scott Walden Email

Kenai Peninsula Borough

Flood Plain Task Force

May 15, 2009 - 6:00 p.m.

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Assembly Member

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Capital Projects

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Sue McClure
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Flood Service Area

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Deputy Clerk

Kenai Peninsula Borough

Flood Plain Task Force

Meeting Summary

April 29, 2009 - 6:00 p.m.

Regular Meeting

Seward City Hall, 401 Adams Street, Seward

CALL TO ORDER

A regular meeting of the Flood Plain Task Force was held on April 29, 2009, in the Council Chambers of Seward City Hall, Seward, Alaska. Chair Long called the meeting to order at 6:00 p.m.

There were present:

Ron Long, Chair	Holly Montague (via teleconference)
Charlie Pierce, Vice Chair	Max Best
Dan Mahalak	Ron Wille
Jane Gabler	Randy Stauffer
Scott Walden	Jim McCracken
Todd Petersen	Mat Gray
Sue McClure	

Absent:

Kevin Lyon (excused)
Bill Williamson (excused)
Robert Hicks (excused)
Christy Terry (excused)

Also in attendance was:

Shellie Morgan, Deputy Clerk
Dan Nelson, Kenai River Center
Mary Toll, KPB Planning

WELCOME

Chair Long thanked everyone for attending the Flood Plain Task Force Meeting.

PUBLIC COMMENT - None.

APRIL 15, 2009 MEETING SUMMARY

Chair Long thanked the Task Force Members for the lists provided with ideas for a Flood Plain Task Force final product, and said he planned to place all the ideas on one spread sheet for review at the next Task Force Meeting. He listed the primary points the Task Force was looking toward: safety, notification, Channel Migration Zone (CMZ), long range plan, tools for the Planning Commission, and providing alternate lands.

AMENDMENTS TO BOROUGH CODES

Surveyor Alert / Warning

Mr. Best addressed the request for a letter which would be sent to all surveyors within the local chapter by providing a draft copy for their review.

Chair Long noted language in the draft letter stated, "contact the Kenai Peninsula Borough Flood Plain Administrator," and asked how an individual from the public would know who that person was or which department to contact? Mr. Best stated the reception front desk of the Borough Administration Building would be able to direct the individual to the correct person.

Chair Long noted language in the draft letter which stated, "Some or all of the property shown on this plat had been designated by Federal Emergency Management Agency (FEMA) or the Kenai Peninsula Borough as a flood hazard area. Prior to development, the Kenai Peninsula Borough Flood Plain Administrator should be contacted for current information and development regulations." He believed it varied from the language on the proposed KPB Ordinance which would amend KPB 20.20.260 which stated, "Some or all of the property shown on this plat had been designated by FEMA or the Kenai Peninsula Borough as a flood hazard area district as it exists on the date hereof. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations."

Mr. Best said the language on the draft letter was intended for the surveyors within the local chapter and was not the language to be recorded on plat, he indicated that letter did not require the passage of any specific ordinance to be sent.

The Flood Plain Task Force Members unanimously approved the language of the draft letter and recommended the Planning Department send the letters.

Proposed KPB Ordinance: Flood Prone Plat Note.

Establishing Criteria for Plat Notes and Providing a Flood-Prone Plat Note for the Seward Mapped Flood Data Area and Flood Insurance Rate Map Area

[Clerk's Note: The Flood Plain Task Force recommended enactment of Flood Prone Plat Note Ordinance with the following amendments: Section 2 paragraph B to read, "All Subdivisions or replats within the [FIRM AREA OR] SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following notes: FLOOD PRONE NOTICE: Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough as a flood hazard area district as it exists on the date [HEREOF] the plat was recorded. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations."

Proposed KPB Ordinance: Amending KPB 14.06.100

Amending KPB 14.06.100 to Require an Engineering Analysis and Design for Road Construction in the Seward Mapped Flood Data Area and Flood Insurance Rate Map Area

[Clerk's Note: The Flood Plain Task Force recommended enactment of the Ordinance Amending KPB 14.06.100 with the following amendments: To include a 9th whereas to read, "The SBCFSA considered this ordinance at its _____, 2009 meeting and recommended _____;" Insert a new Section 2 to read, "That KPB 14.06.170 is hereby amended as follows:14.06.170. Road construction standard-Drainage and culvert material. Roads shall be constructed to prevent ponding of runoff waters in the roadside ditches. Drainage ditches shall be constructed such that runoff waters will be conveyed to natural drainage courses, ditches or waterways, or other man-made drainage courses. Outfalls shall be constructed to prevent excessive siltation of riparian habitats, channel erosion, or other damage to public or private property. The RSA board may require[, UPON STAFF RECOMMENDATION,] an engineering analysis and design for locations susceptible to flooding, siltation, or other natural conditions potentially damaging to the right-of-way, adjacent property, or water courses and water bodies. A roadway cross culvert shall be a minimum diameter of 18 inches, and with at least on percent drainage grade through the culvert, and driveway culverts shall be a minimum of 15 inches and 30 feet in length. Culverts, coupling bands and special sections shall be corrugated steel pipe of at least 16 gauge. Plastic culverts are acceptable for driveway culverts only, if they meet AASHTO Standard Section 706-2.07 corrugated polyethylene pipe, AASHTO M 294, Typ S. AASHTO cross culvert markers must be installed." Renumbering the existing Section 2 as Section 3.]

(07:13:30)

Road Pre-Construction Review

Mr. Best said numerous attempts had been made to implement pre-construction review of roads, and at one time the idea had passed at the Assembly level, only to be vetoed by Mayor Bagley.

Mr. Wille said that each time a pre-construction review idea came before the Road Service Area Board (RSA) it passed unanimously, he felt that pre-construction review would be a long term goal of the RSA.

Mr. Best said when a completed road was brought forward there were testing requirements applied to that road, which had to be passed in order to prove the road met standards.

The Flood Plain Task Force agreed to remove the Road Pre-Construction review process, and no further discussion on the subject would be scheduled.

(07:22:00)

Disclaimer

Chair Long asked for suggestions on how the Borough could provide informational warnings to the public regarding the flood hazard area.

Mr. Stauffer asked if the Flood Prone Plat Notes Ordinance was enacted by the Assembly would that then address the disclaimer issue. Mr. Peterson said it would address all new plats; however, existing plats would not be effected.

Chair Long asked Ms. Gabler if the warning notices being sent by the Kenai River Center (KRC) were also being sent to owners of undeveloped land. Ms. Gabler said yes.

Chair Long asked if it were possible to implement some type of filter through the Assessing Office, which would flag lands within the FIRM areas, and when a change of ownership was initiated a notice would be sent to the KRC.

Ms. Gabler said there was currently a similar system in place Assessing was notifying the KRC of ownership changes on all lands that were affected by the 50-foot habitat set back rule.

Mr. Dan Nelson from the KRC explained that any parcel where an ownership transfer had taken place and also connected to the 50-foot habitat area was identified by the Assessing Department and he would then be sent notification of the change.

Chair Long asked for a detailed report at the next Task Force Meeting, that would explain the current system being used by the Assessing Department and the KRC.

(07:39:50)

CHANNEL MIGRATION ZONES (CMZ)

Mr. Mahalak said if the CMZ program was done by hiring outside help the cost would be roughly \$350,000 to \$500,000 and would take between one and a half years to three years.

Chair Long asked how CMZ would affect the existing insurance maps, and if it would replace them completely? Mr. Mahalak said the CMZ maps would be separate from the current maps, or the Borough could choose to incorporate both maps together with the assistance of the General Service Department.

Mr. Stauffer asked what the advantages were to the community for using CMZ, he felt with the additional expense there needed to be information available to convince the community of the benefits. Mr. Mahalak said CMZ reflected what nature did naturally, and not what the National Flood Insurance Program said it did.

Mr. Mahalak said CMZ was a relatively new process, and had shown success.

Chair Long asked Mr. Mahalak to describe the level of success. Mr. Mahalak said in this case success was measured by stopping the repeated losses.

Mr. Mahalak said CMZ's were delineated, based on history, you could only predict into the future roughly one third of what information you had from the past, if the data available was only from 1964 your future predictions were limited by that boundary, so basing it on a 100 year plan would be difficult. He stated one of the problems within the Seward area was the 100 year floodplain, since it would be impossible to say when it was going to happen or when it had happened, because of the high grading tributaries, and surge release flooding.

Mr. Wille asked if adopting CMZ program would allow the Seward area to then receive funding to relocate people. Mr. Mahalak said he believed the only benefit would be an increase in the (Community Rating System) CRS points.

Mr. McCracken stated that he believed the Task Force should be sure there was no more effective way to spend \$400,000.

Chair Long said the existing system was less than perfect and, and the Task Force needed to look at all the available alternatives, he felt there was a lot more to learn about CMZ and asked that the subject be on the next agenda.

Mr. Stauffer said he felt the Task Force was working toward making the Seward area safer, and CMZ would model the area more precisely.

Mr. Gray said going through the CMZ process would show steps were being taken, and he believed that would allow options for additional funding sources. He then suggested proceeding with the CMZ approach in phases.

Mr. Wille asked why FEMA was still using the old process if it had been proven that CMZ was the best approach. Chair Long said he felt FEMA was in a regulatory trap, and also attempting to transfer some responsibilities onto local governments.

Mr. Mahalak said the CMZ process was the first step in creating a Flood Hazard Reduction Plan Book, or a Watershed Master Plan, he proposed 3 options, one which phased the program out in one and half years, one that phased out over three years, and one that phased out over an extended period of time, with a starting amount of \$70,000.

JIM MCCRACKEN REPORT

(08:15:17)

Mr. McCracken said he believed that people would take advantage of a program that allowed them to move out of the flood hazard areas. He noted the Borough had in the past created subdivision which turned out to be successful. He suggested a process that would allow 50 percent of a new subdivision to be used as buy out options for homeowners within flood hazard areas, and the remaining 50 percent to be sold on the open market, he believed the 50 percent of the lots being sold on the open market at the true value would recover the costs to the Borough.

Mr. McCracken said there were forty one lots available in the areas of Seward, Moose Pass, and Cooper Landing, ranging in price from \$22,000 to \$2,000,000: nine of the lots were listed at less than \$70,000. He said of those nine lots, four were located in definite flood hazard areas.

Mr. McCracken said If the Borough could identify 100 acres, and divide it into one acre parcels that were suitable for onsite water and conventional septic system, the going value would be around \$45,000 per acre. He noted that the buy back option in the Old Mill Subdivision had not included any provisions that prevented someone from taking the funds and buying into a flood hazard area again.

Mr. McCracken gave an example of a scenario that he believed would work: the Borough had lots available at a price of \$45,000, and a property owner within the flood hazard area had an assessed value of \$28,000 the Borough could then reduce the price by the land owners assessed value.

Mr. Gray noted the Kachemak Heritage Land Trust would be receiving mitigation funds for Japanese Creek, he said conservation easements would be created, and interested landowners should come forward.

Mr. Petersen said the Borough was building a new subdivision in Hope, and he heard that the lots would be disbursed on some type of lottery system, and asked if someone could explain the lottery system.

Mr. Best said a minimum price for each lot would be set and anyone who was interested in purchasing the lots at the decided price would be entered into a drawing.

(08:37:03)

GENERAL DISCUSSION AND QUESTIONS / PUBLIC COMMENT

Bob White, PO Box 201, Seward, said the community had seen multiple studies with no final results, he would like to see something in place that would make a difference.

Mr. Walden said the Assembly in January of 2009 approved the framework for an agreement with the National Resources Conservation Service (NRCS), it had been sent through the legal process and was returned with general criteria that could be incorporated. The Old Mill buy out was still active, and would not move forward until certain questions were answered, the paper work was just received, and would be reviewed.

Claudia Neckleson, PO Box 653, Seward, said the Kachemak Land Trust had approached people who owned land in the Resurrection River drainage area, and asked the following questions of the owners: If their property blocked the reservation rights, could anyone go in and dredge the gravel out to keep the stream flowing, the owners did not like that idea, and when asked if they would be maintaining it themselves, they said no they could not afford to.

Mr. Nelson said he was looking forward to future discussions on CMZ verses the NFIP program, somewhere in all the information a good regulatory model could be found that will work for the Seward area.

Mr. Wille said the RSA would be reviewing the two Flood Plain Task Force Resolutions at their next meeting.

Mr. Walden said he would follow up with the legal department on the NRCS status of the Old Mill buy out.

Chair Long noted the next Kenai Peninsula Borough Assembly meeting will be held in the Seward City Hall, Council Chambers in May 5, 2009, he said the Task Force had made some significant steps forward.

(08:50:03)

TASK FORCE MEETING AND ANNOUNCEMENTS

The next meeting of the Flood Plain Task Force was scheduled for May 15, 2009, at 6:00 p.m. in the Cooper Landing Community Hall.

ADJOURNMENT

The committee adjourned at 8:53 p.m.

From: [Walden, Scott](#)
To: [Morgan, Shellie; "rlms@ptialaska.net";](#)
Subject: FW: Flood Task Force
Date: Monday, May 04, 2009 8:51:06 AM

Shellie,

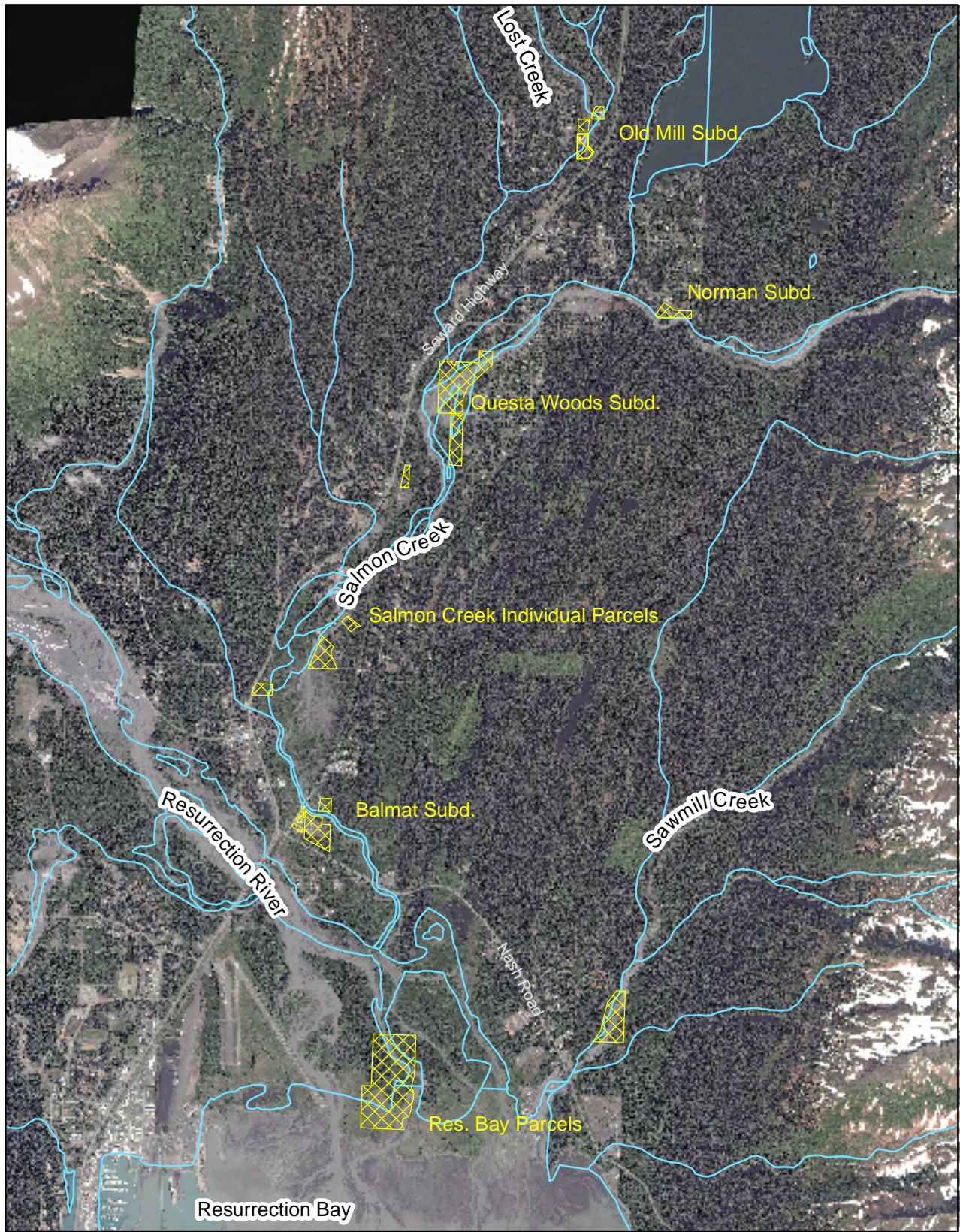
The question of continued access for mitigation and debris removal from "buy-out" properties in the Old Mill subdivision came up at the last Task Force meeting. We have confirmed the following:

Legal discussed this issue with Rodney Everett, the NRCS Easement Specialist working with us on this project. He indicated that there would not be a problem with KPB accessing the creek to remove gravel and such from the creek bed for flood mitigation and response purposes, provided we don't construct anything like river banks or store any removed materials on the property.

He suggested that something like the following language would be acceptable in the agreement:

"The Kenai Peninsula Borough may use the property to access the river to dredge the river bed, removing washed down gravel. Subject to any other legal approvals that may be required from other agencies, it may use such gravel to protect the abutment to the bridge crossing the river. Additionally, the borough may protect the bridge infrastructure with armory. However, the borough is not authorized to construct river banks or use armory along other parts of the river, and also may not store material removed from the creek bed on the subject property."

Scott



4/2009
Seward, Alaska
EWPP - Floodplain Easement Applications