

# Kenai Peninsula Borough

Flood Plain Task Force

May 27, 2009

6:00 PM



Seward City Hall Council Chambers  
401 Adams Street, Seward

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# Kenai Peninsula Borough

## ***Flood Plain Task Force***

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May 27, 2009 - 6:00 p.m.

Seward City Hall, 401 Adams Street, Seward

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*Ron Long  
Assembly Member*

**A. Welcome**

*Charlie Pierce  
Assembly Member*

*Kevin Lyon  
Capital Projects*

**B. Public Comment**

*Dan Mahalak  
Capital Projects*

**C. May 15, 2009 Meeting Summary**

*Jane Gabler  
Kenai River Center*

*Holly Montague  
Legal Department*

**D. Christy Miller, CFM, National Floodplain Insurance Program (NFIP) and State Flood Mapping Coordinator**

*Scott Walden  
Office of Emergency  
Services*

**E. Kenai River Center Report**

*Todd Peterson  
Planning Commission*

- Final Version of Floodplain Notification Letters
- Technical Memo
- Suitability Mapping Presentation

*Sue McClure  
Planning Commission*

*Max Best  
Planning Department*

**F. Channel Migration Zone (CMZ)**

*Ron Wille  
Road Service Area  
Board*

- Presentation on Preliminary CMZ Zone
- "CMZ Lite"

*Bill Williamson  
Seward Bear Creek  
Flood Service Area*

**G. Flood Workshop Coordination - Scott Walden, OEM**

*Randy Stauffer  
Seward Bear Creek  
Flood Service Area*

**H. General Discussion and Questions**

*Jim McCracken  
Public Representative*

- Specific Recommendation(s) for the Assembly

*Robert Hicks  
Public Representative*

**I. Task Force Meeting and Announcements**

*Matt Gray  
Public Representative*

*Christy Terry  
City of Seward  
Planning Department*

**J. Adjournment**

*Staff:*

*Shellie Morgan  
Deputy Clerk*

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# Kenai Peninsula Borough

## *Flood Plain Task Force* *Meeting Summary*

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

Cooper Landing Community Hall, 18511 Bean Creek Rd., Cooper Landing

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### **CALL TO ORDER**

A regular meeting of the Flood Plain Task Force was held on April 15, 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	Matt Gray
Max Best	Ron Wille
Kevin Lyon ( <i>arrived at 6:28 p.m.</i> )	Bill Williamson
Dan Mahalak	Jim McCracken
Randy Stauffer	Scott Walden
Todd Petersen	

Absent:

Charlie Pierce, Vice Chair (*excused*)  
Jane Gabler (*excused*)  
Sue McClure (*excused*)  
Christy Terry (*excused*)  
Holly Montague (*excused*)  
Robert Hicks

Also in attendance was:

Shellie Morgan, Deputy Clerk  
Michele Turner, Clerk's Administrative Assistant  
Dan Nelson, Kenai River Center

### **WELCOME**

Chair Long welcomed everyone to the Flood Plain Task Force Meeting.

Changes were made to the Agenda to include the following:

- Dan Mahalak report on visit to the Matsu Borough
- Randy Stauffer presentation on CMZ zones
- FEMA maps after mitigation plans
- Matt Gray CMZ funding options.

**PUBLIC COMMENT** - None.

**GENERAL DISCUSSION** - None.

*(06:17:00)*

**APRIL 29, 2009 MEETING SUMMARY** - Approved.

Mahalak gave a presentation on the Matsu Borough CMZ program and addressed the following subjects:

- Matsu Borough was expecting to have a comprehensive plan in place within one year;
- Army Corps of Engineers' direct appropriation to fund watershed program;
- Matsu Borough's Flood Plain Ordinance;
- Matsu River navigable determination;
- inclusion of CMZ analysis in the Matsu comprehensive plan;
- associated costs.

Mahalak agreed to further research green infrastructure plans, regulations, effective by NFIP maps, and possible congressional funding.

*(06:32:06)*

### **KENAI RIVER CENTER REPORT**

Nelson from the Kenai River Center gave a presentation on the current 50-foot habitat ownership transfer warning program.

Nelson said he worked with the Assessing Department and indicated specific reports could be written to trigger areas in the FEMA mapped flood area. They would present a warning when a transfer of ownership took place. He would receive the reports monthly and a notice would then be sent to the property owner which indicated the property was in a flood hazard area. He passed out a draft example of possible notice letters. He said the notice would be beneficial to people who were new to the area and unaware of the current flood hazards. There would be included with the notice a form to be sent back to the borough that would allow for the property owner to request more flood plain development information. Maps could be provided to show historic flood lines.

McCracken asked about the restrictions requiring permits for new construction, reconstruction repairs or substantial remodeling. Nelson said it would be a tool to get people to think, have them call in, if a permit was not required they would let them know it was not.

Chair Long noted he was impressed at how quickly Nelson pulled the information together, and recording on plat notes was a good method for new plats; however, this program would work well for deed transfers. He suggested wording that stated a permit may be required, rather than a permit was required. Nelson noted that the department would work on clarifying the wording in the letter.

Long asked that once the trigger initiated the first mailing, would the property then be added into the annual mailing database. Nelson said yes.

Nelson said he would be bringing a final copy to the next Task Force meeting.

Williamson clarified that statement in the letter referred to the SBCFSA as a regulatory group, and they were not. Nelson said that statement came straight from the SBCFSA website; however, they work to re-word the section.

(06:46:29)

## **FEMA Maps**

Mahalak said the last known date for finalized FEMA map production would be 2010; however preliminary maps would be available in September 2009.

It was noted that Old Mill Subdivision and other area were new addition to the map.

Mahalak referenced paragraph one and stated it was a statement from a hydro logic technical memo describing some problems with half the model inputs, topography and CFS. He could not verify what information was included to make the model; however, Northwest Hydraulics provided him valuable information regarding container capacity.

McCracken asked if they were using the 2007 Lidar and using the 1986 water level. He noted that there was significantly more amounts of gravel and the information would be outdated.

Mahalak said he attended the Cooper Landing Corps of Engineers Mapping meeting and said homes that had never been flooded were now being classed as in a flood zone. It was decided that the maps would be calibrated on information provided by citizens.

Chair Long said he was struggling with all the agencies regarding mapping, as planning and regulatory tools of the Borough, State or Federal. He listed several mapping options and indicated that past references were that CMZ maps did not replace FIRM maps.

Christina Stauffer added, some areas in the country were regulated on CMZ maps; however, determination on who had to purchase flood insurance was based on FIRM maps.

Chair Long said a minimal level of regulation would go along with a new FEMA new map. The task force would need to see the new FEMA map to determine what other levels of mapping to adopt.

Lyon reported on his trip to King County and explained the process he saw regarding flood mitigation.

Randy Stauffer said the SBCFSA minutes showed a plan to adopt a master plan, and asked once the process began did the CMZ have to become part of the master plan. He indicated the information needed to create a master plan required inclusion of the CMZ. He said in some cases communities were regulating to the CMZ plan and others were just using them as reference information. This would be additional information to the FEMA maps to the benefit of the Borough.

(07:11:27)

## **CHANNEL MIGRATION ZONE**

Randy Stauffer referred to the Yellowstone River Channel Migration Zone Mapping, and the similarities to the Seward area.

He noted section 1.6 listed potential applications: Development of River corridor best management

practices, identifying areas isolated from the modern river by features such as bank armor and dikes, understanding of the geo-morphic behavior, identifying relative levels of erosion. He said this type of information is being used for regulating, development tools, these are sound reasons to look at the CMZ plan.

Petersen was anticipating the new FIRM maps to convert from valley wall to valley wall to an A zone, he said he could see an advantage to the CMZ plan.

Mahalak spoke on the process of the river moving to a low spot. describing it as a perched channel above homes, which describes how and why it moves and where its going.

Stauffer said some of the information he reviewed showed the CMZ may be at any given time may be close to a FEMA 100 year map. He compared the two, saying FEMA maps were a best guess as to where flooding would occur, CMZ used gathered data to correctly predict the flood path.

Williamson speaks on the importance of having current data. Williamson stated that every year or every other year for a number of years Seward had an event. In order to have current data there would be a need to remap after each event, which was part of the master plan.

Chair Long said the FEMA maps did not account for the dynamic portion of flow. He was not sold on the idea of using CMZ plan as a regulatory, some of these ideas could be done through the SBCFSA. Having Mahalak on board to provide data to the SBCFSA board was very beneficial. He did not intend to discredit CMZ being used as a planning tool.

Gray said once we get the FEMA map, if it was valley wall to valley wall, forcing people to get insurance, it would not help decide where to build, he felt more than lines on the FEMA map was needed. Further pursuit of a master plan was needed and the bottom line was a need for a more proactive planning tool.

Walden asked if the study was complete and it decide to go with the CMZ plan, and the FEMA map came in later, the difference was CMZ was only intended for areas known to be affected, the FEMA map would include areas that had been dry for 50 years. There was no reason to wait until September for the maps. For the Borough's purposes, access to the perimeter data was available, so we can determine if the FEMA map even came close.

Mahalak had been asked if a preliminary CMZ could be produced. He had not done anything because of the preliminary work involved to start the process. He was starting the first step of looking at historical data, he said it took a lot of work and he would do his best.

Lyon said the CMZ plan would allow some areas that need to be regulated to do no more harm, and it gave an idea of development of safe zones within the valley.

Wille asked if the Borough did CMZ mapping, would it be able to go back to FEMA, and say, "we understand your map; however, here is our plan." Lyon said yes.

Chair Long said under existing code, based on findings of fact, it would be determined where you could or could not put the gravel.

Wille thought CMZ would be a good program if it was used to implement long term planning.

McCracken said the statement saying valley wall to valley wall being Zone A was very disturbing, he felt that \$400,000 could be used for something else, and if the preliminary map came in September, and by fall some information from the master plan could assist with making the decision.

Williamson said the SBCFSA master plan was something he believed in.

Mahalak said when the maps were presented to Cooper Landing, perhaps since this was a Seward issue, we should create something that went across both city, municipality and federal boundaries, something like a water shed district. It would start at the legislative level to find out what was available. He said his problem with the NFIP program was there was no plan in place, what was the cumulative effect of all the permits being issued.

Randy Stauffer said he looked at one other study, that came up in the 2006 annual meeting : reconnecting rouge river to the historic channels.

Wille said he was not saying CMZ was wrong, he felt that the Task Force had come up with some good products so far.

Chair Long said we were all here for the same reason. After the 2002 flood, 75 to 90 people were at the Sea Life Center hashing the issue out, a watershed district was suggested. Title 29 gave the Borough the authorizations to create the Service Area was the only thing allowed by state statute. Taking a lower profile approach within what the Service Area developed as a long range plan as a strategy. CMZ nor FEMA mapping would pay for moving gravel out of the way. He would like to give some thought to the idea of merging.

Walden said FEMA looked at overlay as everything was a hazard area, he said directing toward some areas within not being a hazard zone, it would diversify the map.

Chair Long said it would show the Task Force put in the time and effort and demonstrate that the Task Force were participants in this.

Gray said in Homer suitability mapping effort was pursued, basically using GIS layers to identify hazards, in their case it is steep erodible hills, they funded the suitability planning program. An interesting aspects was that they have a developer certification program where some areas handled properly could still be developed by adding development standards. End result maps showing areas easily developed, areas not worth developing, and some that could be developed with effort. The project cost \$200,000 funded through EPA and other sources, it covered more than erosion, it was turned into a plan that covered many things, even trails. It seemed to him it was something to further pursue with the SBCFSA. One thing that made it work was having the cross section of the community totally involved in the process. He suggested getting more information on the Homer plan.

Chair Long asked if Homer requested EPA for funding. Gray agreed to get more information.

Christina Stauffer said there were other funding sources the NRCS had different grants available,

and the master plan could fit under that.

McCracken spoke in opposition to involvement of the EPA, and the possibility of preventing development.

Gray said it was about finding areas to develop, not preventing development.

Mahalak said he would like to give a presentation on suitability mapping at the next meeting.

Mahalak said the financial aspects of CMZ, would FEMA pay for it, they were saying that the moderation plan initially used was wrong, and they would be working on a future program called a Risk Map, they said they would love to give money to the Borough to become a technical partner. The benefit to FEMA, if we adopt CMZ, were minimal. The Borough could not go any higher, until a building code was adopted. The Borough was currently level 8.

*(08:15:00)*

## **LAND OPTIONS**

*(08:18:34)*

## **GENERAL DISCUSSION AND QUESTIONS**

Nelson said this had been a great discussion, he was encouraged by the work being done, and the data collected needed to be used.

Walden spoke to Homeland Security to get the flood workshop back to the area, and the showed interest in coordinating and funding it. He was looking toward a date in August.

Lyon would like to better coordinate as it was the middle of construction period and The Task Force needed to keep on task. He did not like the idea of waiting until September, since Long was retiring in October.

Chair Long wanted a deliverable product in June or July.

Wille mentioned RSA passed 3 resolutions at their last meeting:

Resolution 2009-03 - A Resolution Recommending That The State Of Alaska Revoke Its March 20, 2006 Navigability Determination As To Salmon Creek, Fourth of July Creek And Sawmill Creek, All Located In The Vicinity Of Seward, Alaska.

Resolution 2009-06 - A Resolution Recommending That The State Of Alaska Exempt Flood Mitigation Projects In The Seward Area From The Gravel Royalty Fee, As It Applies To All Flowing Waters Into Resurrection Bay, In The Vicinity Of Seward Alaska.

Resolution 2009-07- A Resolution Recommending Enactment of KPB Ordinance 2009-29 Amending KPB 14.06.100 And KPB 14.06.170 to Require An Engineering Analysis And Design For Road Construction In The Seward Mapped Flood Data Area And Flood Insurance Rate Map Area.



Christina Stauffer mentioned that Christy Miller indicated that she was in an awkward position being a consultant for her current employer and being on retainer with the Borough. Christy Miller mentioned that she would rather be a consultant for the Borough.

Chair Long indicated that he would like Christy Miller to come and speak at the May 27, 2009 Task Force meeting or the first available time. Christina Stauffer was asked to work with the Clerk's Office to coordinate.

Best said he noticed the subdivision development was actively being pursued, the Borough was looking at state and federal lands, he said it was a hinging factor.

Stauffer said he felt the Task Force was getting to a crunch time for deliverables, and needed to delineate what those would be, he said some benefits had already come out; however, the task force was formed to get recommendations to the Assembly and we need to focus on the deliverables.

Chair Long asked for one more homework assignment. What specific recommendation would you have for the Assembly? He also said the May 19, 2009 Assembly meeting would have 3 deliverables to the Assembly.

*(08:31:04)*

## **TASK FORCE MEETING AND ANNOUNCEMENTS**

The next meeting of the Flood Plain Task Force was scheduled for Wednesday, May 27, 2009 at 6:00 p.m. in the Council Chambers of Seward City Hall, 401 Adams Street, Seward.

## **ADJOURNMENT**

The committee adjourned at 8:31 p.m.



## FLOODPLAIN DETERMINATION REQUEST FORM

To receive a floodplain determination for your property, showing the boundary of the mapped flood area, please fill out the following information:

**NAME:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**CITY, STATE, ZIP:** \_\_\_\_\_

**ASSESSOR'S PARCEL NUMBER  
OR LEGAL DESCRIPTION:** \_\_\_\_\_

\_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please send me a floodplain development packet with the determination.

**Return Form To:**

Kenai Peninsula Borough/Kenai River Center  
514 Funny River Road  
Soldotna, AK 99669

(907) 260-5992 FAX  
KenaiRivCenter@borough.kenai.ak.us

<<Date>>

<<Owner>>

<<Address>>

<<City>> <<State>> <<Zip>>

**Subject: Flood Hazard Notice**

Parcel: <<PARCEL\_NO>>

Description: <<LEGAL>>

Dear <<Owner>>:

Congratulations on the purchase of your new property! We are writing to provide some information about certain requirements that affect your property. Your property is within a flood hazard area as designated by the **Federal Emergency Management Agency (FEMA)**.

The Kenai Peninsula Borough (KPB) participates in the National Flood Insurance Program (NFIP). As part of this program, the borough requires certain standards when developing in flood prone areas. Although the floodplain program doesn't prohibit development in flood areas, it requires permits and provides measures to reduce flood damage and protect life and property.

Please be advised that under the Kenai Peninsula Borough Code of Ordinance Chapter 21.06, Floodplain Management, any development, including buildings, roads, dredging, filling, excavating or substantial structural improvements within the designated flood hazard area, will *require a KPB floodplain development permit*.

The Kenai River Center is a multi-agency permitting and educational center located in Soldotna. Resources are available to assist homeowners with projects that will reduce flood losses and damage, obtain permits, and provide general guidance.

Your property is also located in the Seward/Bear Creek Flood Service Area, a service area of the KPB that provides flood planning and mitigation services to the Seward/Bear Creek community. The Board is tasked to determine flood planning needs and to advise and facilitate flood hazard reduction measures. The Board meets on a regular schedule and the public is invited to participate. For more information, please visit [www.sewardbearcreekfloodservicearea.org](http://www.sewardbearcreekfloodservicearea.org).

The KPB Seward Annex can assist homeowners by reviewing maps, program information, and providing forms and publications. The Seward Office is located in the Seaview Plaza, 302 Railway Ave., Room 122 in Seward. Office hours are 10am – 2pm Monday – Friday.

For additional information on development standards and permit requirements, please contact Jane Gabler at the Kenai River Center at 1-800-478-4441 ext. 2464 or visit our website: [www.kenairivercenter.org](http://www.kenairivercenter.org). To request a determination of the flood area on your property, please return the enclosed form.

Sincerely,

Staff of the Kenai River Center  
[www.KenaiRiverCenter.org](http://www.KenaiRiverCenter.org)

<<Date>>

<<Owner>>

<<Address>>

<<City>> <<State>> <<Zip>>

**Subject: Flood Hazard Notice**

Parcel: <<PARCEL\_NO>>

Description: <<LEGAL>>

Dear <<Owner>>:

Congratulations on the purchase of your new property! We are writing to provide some information about certain requirements that affect your property. Your property is within a flood hazard area district as designated by the Kenai Peninsula Borough (KPB). This district is called the **Seward Mapped Flood Data Area (SMFDA)**.

On March 24, 2009 the Borough assembly enacted Ordinance 2009-09, which created a flood hazard district within the Seward-Bear Creek Flood Service Area that includes areas that were flooded in the 1986, 1995, and 2006 flood events. Certain work in this area requires a development permit and adherence to certain standards designed to protect life and property and reduce flood damage in the area.

A permit is required for new construction and substantial improvements to primary structures, and work done in the active physical bank full channel of a stream, river, or creek.

The Kenai River Center is a multi-agency permitting and educational center located in Soldotna. Resources are available to assist homeowners with projects that will reduce flood losses and damage, obtain permits, and provide general guidance.

Your property is also located in the Seward/Bear Creek Flood Service Area, a service area of the KPB that provides flood planning and mitigation services to the Seward/Bear Creek community. The Board is tasked to determine flood planning needs and to advise and facilitate flood hazard reduction measures. The Board meets on a regular schedule and the public is invited to participate. For more information, please visit [www.sewardbearcreekfloodservicearea.org](http://www.sewardbearcreekfloodservicearea.org).

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For additional information on development standards and permit requirements, please contact Jane Gabler at the Kenai River Center at 1-800-478-4441 ext. 2464 or visit our website: [www.kenairivercenter.org/smfd](http://www.kenairivercenter.org/smfd). To request a determination of the flood area on your property, please return the enclosed form.

Sincerely,

Staff of the Kenai River Center  
[www.KenaiRiverCenter.org](http://www.KenaiRiverCenter.org)

Introduced by: Long, Mayor  
Date: 05/19/09  
Action: Adopted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2009-044**

**A RESOLUTION REQUESTING THAT THE STATE OF ALASKA EXEMPT FLOOD  
MITIGATION PROJECTS IN THE SEWARD AREA FROM THE GRAVEL  
EXTRACTION FEE, AS IT APPLIES TO ALL FLOWING WATERS INTO  
RESURRECTION BAY, IN THE VICINITY OF SEWARD, ALASKA**

**WHEREAS,** the Seward-Bear Creek Flood Service Area and the Kenai Peninsula Borough are working to lessen impacts to flooding in the Seward area; and

**WHEREAS,** the State of Alaska Department of Natural Resources charges a mineral resources extraction fee of \$3.25 per cubic yard for gravel; and

**WHEREAS,** this extraction fee makes flood control projects more expensive and cost prohibitive; and

**WHEREAS,** charging an extraction fee for gravel extracted for flood mitigation projects is contrary to protecting public health and safety; and

**WHEREAS,** streambed loading due to sediment deposits increase the frequency of flooding in the Seward area; and

**WHEREAS,** the Seward-Bear Creek Flood Service Area Board and the Kenai Peninsula Borough are working toward streambed load removal and other flood control options in the Seward area; and

**WHEREAS,** on April 1, 2009, the Flood Plain Task Force adopted a resolution recommending that the State of Alaska exempt flood mitigation property from the gravel extraction fee; and

**WHEREAS,** on May 18, 2009, the Seward-Bear Creek Flood Service Area considered this resolution and recommended adoption by unanimous consent;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That all flowing waters into Resurrection Bay in the vicinity of Seward, Alaska are continually filling with sediment and debris that must be removed to lessen the flood events in the Seward area.

**SECTION 2.** The gravel deposits in these streams need to be removed regularly to ensure the economic viability of the community as well as ensure public health and safety.

**SECTION 3.** That the Kenai Peninsula Borough Assembly requests that the State exempt flood mitigation projects in the Seward area from its gravel extraction fee.

**SECTION 4.** The Kenai Peninsula Borough Assembly requests that other concerned local boards and commissions pass similar declarations in support of this resolution.

**SECTION 5.** That copies of this resolution shall be sent to the Honorable Governor Sarah Palin, Senators Con Bunde, Albert Kookesh, Gary Stevens, and Tom Wagoner, Representatives Mike Chenault, Mike Hawker, Kurt Olson, Woodie Salmon, and Paul Seaton, Commissioner of Alaska Department of Natural Resources Tom Irwin, Kenai Peninsula Borough Road Service Area Board, Seward-Bear Creek Flood Service Area Board, and the Kenai Peninsula Borough Planning Commission.

**SECTION 6.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MAY 2009.**

  
\_\_\_\_\_  
Milli Martin, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, Borough Clerk



Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin  
No: None  
Absent: None



