
Kenai Peninsula Borough

Flood Plain Task Force Meeting Summary

March 4, 2009 - 6:00 p.m.

Regular Meeting

Seaview Plaza, Suite 123, Seward

CALL TO ORDER

A regular meeting of the Flood Plain Task Force was held on March 3, 2009, in Suite 123 of the Seaview Plaza, Seward, Alaska. Chair Long called the meeting to order at 6:00 p.m.

There were present:

Ron Long, Chair	Kevin Lyon
Charlie Pierce, Vice Chair	Dan Mahalak
Bill Williamson	Max Best
Randy Stauffer	Jane Gabler
Ron Wille	Jim McCracken
Todd Petersen	Matt Gray
Sue McClure	Christy Terry
Scott Walden	Colette Thompson

Absent:

Bob Hicks (Excused)

Also in attendance was:

Shellie Morgan, Deputy Clerk
Christina Stauffer, Seward-Bear Creek Flood Service Area
Claudia Neklason, KPB Seward Office

WELCOME AND INTRODUCTIONS

Chair Long welcomed everyone to the first meeting of the Flood Plain Task Force and thanked them for attending. He summarized Resolution 2009-05 which outlined the mission of the task force.

GOALS AND OBJECTIVES

Chair Long stated he had no preconceived expectations of the task force, when the moratorium was suggested he received numerous comments of objection, the task force was created as an alternative to the moratorium. He proposed a two step process; the first step being Ordinance 2009-09 which would create a flood hazard district outside of the flood insurance rate map area; the second step would be done through the task force reviewing all aspects that effect flood plain management, such as planning and zoning, subdivision, and road related codes.

Chair Long stated the collective knowledge in the task force, would be used to improve on Borough Code. He stated that during the March 3, 2009 Assembly Meeting an amendment was made to Borough Staff appointed to the task force making the positions ex-officio. He said that it would take the efforts of the Service Area, Borough Assembly and Legislature to achieve a permanent fix.

Mr. McCracken stated one goal should be to have the Borough receive a royalty portion of the navigable river.

Mr. Lyon said there was a challenged navigability on Salmon Creek and others. He said a Department of Natural Resources meeting was scheduled for March 6, 2009.

Mr. Walden stated one important issue was providing proof that Homeland Security needed to continue assistance in the area. He said it would be helpful in the future when requesting assistance from FEMA to show that the community and local governing body had worked together on the problem.

Chair Long stated there might be a way to come up with more community rating points.

Mr. Stauffer commented on the sunset clause within Ordinance 2009-09, and asked if it would be a goal of the task force to have a permanent solution available when Ordinance 2009-09 met its sunset date.

Chair Long stated that the Ordinance could be extended or there may be alternative ideas to the Ordinance at the sunset of Ordinance 2009-09.

Mr. Wille asked if anyone had addressed the fee being charged by the Department of Natural Resources (DNR) for gravel removal, and if DNR was aware of the opposition to the fee. He noted the Seward Bear Creek Flood Service Area had written a mitigation plan and a valuable option would be for the task force to find ways to implement the plan.

Mr. Walden agreed with Mr. Wille, and said the charge being applied by DNR for gravel removal, was due to DNR classifying gravel as a mineral. He said DNR made no accommodation for flood response or mitigation and applied the charge regardless of it being a flood response or mitigation removal, the cost was usually fifty cents per cubic yard, with the first 5,000 cubic yards exempt.

Chair Long stated that redefinition of gravel would be an option; however, it was written into the constitution, and the constitution would have to be amended.

Mr. Gray stated Channel Migration Zone (CMZ) seemed like a scientific approach to the problem, and he felt it was in the best interest of the task force to pursue this option further.

Ms. Thompson stated there were multiple options that should be explored; reclassifying gravel, buy out options for property owners, and an alternate ways of controlling the stream flow. She said each of these ideas could be used to identify specific problems in multiple locations.

Mr. Petersen said the planning department received plats that were in known problem areas, and there needed to be a way to identify the problem on the plat. He noted that CMZ had potential and felt it should be further explored.

PUBLIC COMMENT

Bob White, PO Box 201, Seward, said he would like to see something put in place that allowed the Planning Department to deny subdivisions based on safety and hazard. He said there was a large piece of land in the area that could be a potential problem, depending on how the owner choose to develop it. The unknowing property owners who purchase land and built their homes on it were the ones who had to deal with flood damages, and regulations put on the property at a later date.

Claudia Neklason, KPB Seward Office, said she was concerned due to the number of people looking to buy land at an inexpensive price, and the less expensive lands were generally in the flood zones. She said she would like some type of enforcement options included with the changes made to Borough Code.

Chair Long said enforcement had been brought up at a service area meetings, and since there was no law enforcement available for this type of enforcement, it would have to be a civil enforcement, and funds would be required for a test case. He said it would rely on self policing, and to be successful, the community would have to be in full support.

Mr. Petersen said Ms. Neckleson's statements were accurate, and one answer would be opening up some of the public lands owned by the Borough.

Mr. Williamson said the Service Area had been working on maps to increase the credibility of the community. He said every year a location within the area floods and gathering the data would enforce the credibility that a real problem existed.

Mr. McCracken said another options was property owners donating flood property, the owners would then get a large conservation credit that could be used toward a purchase of new land.

Ms. Terry said an option to consider would be applying covenants on the property.

Jay Bishop, 1772 Clear Creek, Seward, stated there was a piece of property north of his home that could be used to alleviate flooding problems, and he felt the Borough should consider purchasing it .

Jim Conant, 11724 Seward Highway, Seward, said he would like to see more access through the Nash Road area.

CHANNEL Migration ZONE INTRODUCTION

Dan Mahalak and Kevin Lyon gave a presentation on Channel Migration Zone (CMZ). Mr. Lyon stated the object of a CMZ was to protect human life and health, minimize expenditure of public money for costly flood control projects and damages to public infrastructure, rescue and relief efforts associated with flooding, and damage to critical fish and wildlife habitat areas. He said it would also ensure potential buyers were aware the property was in a flood hazard area, and occupants of flood hazard areas would assume responsibility for their actions.

Mr. Lyon said it would provide a long term understanding of landscape evolution, and address issues that the current National Flood Insurance Program (NFIP) did not address. He said CMZ refers to areas where a stream or river has been and will be susceptible to channel erosion and channel occupation, he stated that human landscape disturbance can exaggerate or constrain channel migration.

Mr. Mahalak used maps and demonstrated the river bank recession from 2006 through 2008, the avulsion near Bear Lake Subdivision, and the change in active channels from 1930 through 2000. He explained channel behaviors being effected by slope, flow, sediment load, and sediment size, he addressed predicted changes due to climate change, and the factors used to set channel migration area boundaries.

Mr. Mahalak stated Flood Insurance Rate Map (FIRMS) was based on a fixed bed hydraulics and had limited application in planning areas for safe development. He said CMZ delineation reduced risk by guiding development away from areas prone to channel erosion.

Mr. Lyon said the current flood plain management regulations did not account for streams subject to sediment driven events, and the FEMA flood maps were inaccurate over relative term.

DISCUSSION OF ORDINANCE 2009-09

Chair Long said Ordinance 2009-09 was a short term attempt to address the problem, it would not affect city limits, existing developments, or existing structures. He said it was not an attempt to regulate anything that had already happened on those parcels, an ideal outcome would be a level of protection for residents based on the principals of disclosure, so people would know the consequences of their development. He said there was an obligation to provide some type of protection and there needed to be regulations outside of the currently mapped flood zones.

QUESTIONS

Ms. Stauffer asked why the Borough was using Ordinance 2009-09 to address the problems, instead of adding more historic zones. Mr. Lyon said once the areas were added they could not be removed.

Ms. Terry asked why the Borough was adding more regulation, instead of adjusting the current regulations. Mr. Lyon said the Borough was adding at a minimal level, they did not want to be as strict as the FEMA regulations.

Mr. Gray asked if the task force would be reviewing the regulations in the Flood Insurance Rate Maps (FIRMS). Mr. Long said the regulations were available on-line for any members who would like to review them.

Ms. Thompson said it was concerning to impose regulations on areas outside of the FEMA map because of the liability, and FEMA did not update the maps on a regular basis.

Mr. McCracken asked if the sunset provision in Ordinance 2009-09 could be modified at a later date. Mr. Long said he did allow for provisions to the sunset date to be made.

Ms. Gabler stated concerns with the general public in the creeks removing material, due to a previous incident which caused damages, she asked how this was going to be addressed in the application process of this type of project. Mr. Long said implementation of a check off permit application would help, engineer's or surveyors checking off on a permit, determine if the property was within a flood zone, and in-house staff approval.

Mr. McCracken stated that due to the short construction season the turnaround time for application approval had to be addressed.

DISCUSSION OF PROPOSED FEMA MAPS

Mr. Mahalak stated that he had all of the data requirements being utilized by FEMA in the process of making FEMA maps, and had the capability of making maps in-house.

Mr. Stauffer stated one problem was a large portion of mapped area was class C, and FEMA was no longer using class C zones, so these areas had to be re-zoned.

GENERAL DISCUSSION AND QUESTIONS

Ms. Terry asked if the Borough would consider recording a document warning the potential buyers. Ms Thompson said it could be done.

Mr. Stauffer said the flood board had recommended information being added to maps, and to the plats.

Chair Long asked how difficult it would be to add a note of warning to maps and plats? Mr Lyon said an appeal process should be available to the owners prior to applying warnings, since floods did not always affect the entire piece of property, and applying a warning to this type of property would be done incorrectly.

Mr. Best stated there were current warnings stating the area was subject to flooding; however, they were not identified by parcel.

Mr. Williamson said the best thing we could do was get updated maps and correct information out to the public.

Mr. Stauffer said the Seward-Bear Creek Flood Service Area voted unanimously to not allow a plat for the CIRI phase five development; however, there was no code that allows them to prevent the plat.

Mr. Gray said we need a credible planning tool like the CMZ program, this type of plan would be possible two to three years from now; however, there was not much that could be done right now.

Mr. Petersen asked if the plat being approved on CIRI land could have a note added showing the flood zones. Mr. Best stated that would need to go through legal to address the Borough's authority to add the note. Ms. Thompson stated a general statement could be put in suggesting the purchaser consult with the Kenai Peninsula Borough Planning Department.

Ms. Stauffer stated that if the plat notes were in a readable size, people may pay more attention to them.

Mr. McCracken suggested the possibility of posting signs on the roads leading to properties subject to flooding, stating the facts regarding past and possible future floods.

Mr. Wille suggested the Borough look into options regarding a possible land swap with CIRI now instead of doing it later with individual property owners who had improved the lots.

TASK FORCE MEETING AND ANNOUNCEMENTS

The next meeting of the Flood Plain Task Force was scheduled for March 18, 2009 at 6:00 p.m.

ADJOURNMENT

The committee adjourned at 8:30 p.m.