
Kenai Peninsula Borough

Flood Plain Task Force

Meeting Summary

May 27, 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 May 27, 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
Dan Mahalak	Max Best
Jane Gabler	Ron Wille
Christy Terry	Randy Stauffer
Todd Petersen	Jim McCracken
Sue McClure	Mat Gray
Bill Williamson	Kevin Lyon

Absent:

Charlie Pierce, Vice Chair (excused)
Scott Walden (excused)
Robert Hicks (excused)

Also in attendance:

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.

The following change was made to the Agenda.

- Item G. Flood Workshop Coordination was rescheduled for June 10, 2009.

PUBLIC COMMENT - None.

MAY 15, 2009 MEETING SUMMARY

(06:08:50)

CHRISTY MILLER, CFM, TETRA TECH INC.

Ms. Miller stated she had been a planner and worked in flood plain management for almost 30 years, recently retiring from her position as the State coordinator for the flood insurance program. She noted that she had experience with the Seward flood issues, and was present at the request of the Seward Bear Creek Flood Service Area (SBCFSA).

Ms. Miller said the terms of implementation was important, the merging of the new ordinances, the existing flood plain management ordinances, new mapping, and the sunset of Ordinance 2009-09, could all possibly cause confusion. She stated that it was important the Task Force and Borough work toward getting good valuable information out to the public, specifically addressing how the new mapping will effect the requirements for flood insurance. She noted the Federal Emergency Management Agency (FEMA) would be releasing the preliminary maps in September of 2009, and the final version should be available in August 2010.

Ms. Miller stated that with the new FEMA maps, flood insurance would become mandatory in some areas. If a homeowner was reclassified as being in flood hazard area when the new maps came out, the lender would then require the homeowner to purchase flood insurance. If a homeowner who was now in what is called a C zone rate (preferred risk zone rates), which meant a non-flood zone were to purchase flood insurance it would be at a lower rate. If that same homeowner purchases flood insurance after the property had been reclassified as being in a flood hazard area, the insurance rate would be quite high. She noted that if a homeowner had insurance in place prior to the class change of flood zones, that homeowner would be grand-fathered in at the rate in which they began the policy.

Ms. Miller stated that the tendency in the past was to spend large amounts of time addressing the flooding problems related to private residential structures, which was important, those private structures belong to the people whom the Borough was serving; however, sometimes the larger picture was being missed, such as subdivision of land, and long term planning. She noted that the approach being taken by the Task Force was well rounded, addressing road construction review, and land swap opportunities. She stated some communities were using utility connections to regulate development, for instance the electric utility would not be connected without a guarantee that all Borough permitting requirements had been met.

Ms. Terry asked if a homeowner would be able to purchase flood insurance at a lower rate if it were done after the preliminary maps were released; but, before the maps were finalized. Ms. Miller believed insurance could be purchased at the lower rate until the maps were finalized.

Chair Long noted that the information regarding the grand-fathering of the C zone rate was invaluable, and that message needed to be released to the public.

Ms. Miller stated that both the City of Seward and the Borough were withing the community rating system and it was an obligation of both to provide good information to the public, she said the Borough was providing the information annually; however, the preliminary maps could kick off an informational campaign.

Mr. Stauffer stated that Northwest Hydraulics did the hydrology for FEMA in the Seward area, and that FEMA had requested nothing be done in regard to the alluvial fans, which represents a good part of the area. He asked Ms. Miller if she knew what FEMA was planning to do with the alluvial fans? It was Ms. Miller's understanding, that FEMA did not have the funds available for mapping the alluvial fans.

Ms. Miller further stated that alluvial fans were hazardous areas, the water could come down anywhere at high velocities; however, the water did not get very deep, and FEMA did not have the money nor were they able to spend the technology to come up with adequate mapping of alluvial fans. She stated the basic need was preparing a good master drainage plan with in the alluvial fan areas.

Ms. Miller said the Borough should be looking at other funding sources, such as storm water planning funds from the Environmental Protection Agency (EPA), possible funding from the Department of Environmental Conservation (DEC), with those other sources the alluvial fans could be mapped. She noted that if they were mapped through FEMA, the Borough would eventually get the maps; however, they would come with economical challenges to the community.

Mr. Gray asked if it were possible to get underdeveloped lots covered by flood insurance. Ms. Miller said vacant lots would not be insured through FEMA, the insurance through FEMA was only for walled, roofed buildings.

Ms. Miller said she had worked on no adverse impact plans, which simply meant, "do no harm to your neighbor." She said any time someone builds it could have an impact on an adjacent piece of land, and the choice within the Seward area was to build up on a fill pad, which would cause water to be diverted somewhere else. She noted that it would take analysis to determine what adjacent property would be effected, and what the effect would be over time, and as the community starts encroaching, the water surface elevation would change.

Mr. McCracken asked how certified dikes and levees affect the National Flood Insurance Program (NFIP) rate structure, and classifications. Ms. Miller said there were many dikes in the Seward area and in her opinion, none of them would be certified by FEMA, as meeting floodplain protections standards. She said a levee would have to be three-feet higher than the 100 year floodplain in order to meet the protection standards.

Ms. Miller said it would be a challenge for the community to review the existing levees and determine what level of maintenance and/or operation was needed to keep it in place. She believed the Task Force should not invest a lot of time and effort toward getting the levees certified.

Chair Long stated he did not believe it was an accident that the community did not have enough money or time to re-certify the levees, he felt the rules were written in an effort to remove FEMA from the certification business. He said that did not mean dikes and levees should not be built to the best engineering ability.

Ms. Miller believed it was important that public be notified about the possible change in requirements for flood insurance.

KENAI RIVER CENTER REPORT

Final Version of Floodplain Notification Letters

Mr. Nelson noted the revisions requested to the notification letter at the last Task Force meeting had been implemented and the final version was included in the packet. He stated that the Assessing Department had everything in place and the process would begin next month.

Suitability Mapping - Presented by Matt Gray

Mr. Gray said the City of Homer in conjunction with the Homer Water and Soil Conservation District spear headed the suitability mapping project, basically taking a comprehensive mapping approach to situation in Homer, which was steep sandy erodible slopes.

Mr. Gray said it would require a comprehensive planning effort in order to get public support, the plan would have to address much more than one single issue. The Homer project utilized several mapping layers, to identify areas that were suitable for development, not develop-able, and areas that could be developed with precautions and educations. Homer developed a Builder Certification Program that was strictly voluntary.

Mr. Gray noted that using outside funding packages, the Borough would be able to proceed with suitability mapping and Channel Migration Zone (CMZ) mapping. Some funding sources available were EPA, Fish and Wildlife Services and other similar type foundations. He said it would all contribute to CMZ components, historical data, and comprehensive layers. He noted that Homer had created a Technical Advisory Committee that was made up of a full cross section of the community.

Mr. Gray said he did not have firm numbers; however, he believed the costs were as follows: consultant mapping \$69,000, Builder Certification Program \$50,000, management and public outreach efforts \$20,000. He felt that it was possible to get the CMZ analysis done for the Seward area at a cost of roughly \$50,000.

Chair Long asked if developers were using the certified builders program, and if so did it allow them an expedited planning review. Mr. Gray said that was his understanding.

Mr. Mahalak asked what the time-line on this type of project would be. Mr. Gray estimated it would take around one-year.

(06:58:55)

CHANNEL MIGRATION ZONE

Prelim CMZ Zone / CMZ Lite

Mr. Mahalak stated the maps provided as laydown items had taken roughly 65 hours of his time to produce and an additional 10-hours from General Information Service Department (GIS). He said the time was used to gather historical data, images, and records, he worked with GIS to geo-reference the maps. He said the results were evidence of 113-feet of erosion since 1983, for a total of 3.5-feet per year.

Mr. Mahalak said information gathered during the lidar flight on May 26, 2009, allowed him to predict up to 10-years comfortably. He stated the value of the property located within the avulsion hazard area had a value of \$4,183,800,000, the cost benefit ratio for that study was 28.

Chair Long noted the ratio was for this specific moment in time, if it was applied for an extended amount of time the value would change.

Mr. McCracken asked Ms. Miller if she knew how the CMZ plans were benefitting other areas within the United States. Ms. Miller stated her first encounter with CMZ was in 1980, at the time the maps were very expensive to produce; however, CMZ lowered the insurance rates by increasing the community ratings.

Mr. Wille noted because the Borough did not have building codes outside of the City limits, the community ratings could not be increased. Ms. Miller said that was correct and the ratings would only increase within the City limits.

Chair Long clarified with Mr. Mahalak that on the map legend the wording, "not enforced," actually meant not re-enforced. Mr. Mahalak said yes.

Mr. Stauffer stated at this time the SBCFSA had not been able to find any source of funding for bed load removal or building a levee. He said with the limited funding available in the community you had seek to receive funding, which would be CMZ zones, suitability mapping, and long term planning.

Mr. Williamson said the smaller projects were not the answer, there was not enough money to dig out of the flooding problem.

Mr. Lyon said the plan drawn up for CMZ Lite was defensible in court, the capability of creating this type of plan existed, the question then became what did the Borough want. He stated that if the streams were not taken care of by human intervention would they then eventually take care of all of the houses in the hazard area, and once there were no more houses and rebuilding was stopped in the area the problem would be resolved.

Chair Long hoped he was not hearing the idea of abandoning bed load removal, or levee building, he felt the Borough should not be abandoning the people, these were not exclusive terms, he did not want to see all the funds spent on planning. He said some of the effort should go toward mitigating the problem.

Ms. Terry said the Borough had already agreed that historical flooding was legal, and she would like to see this to continue to move forward. She said the Borough needed to clarify the flood ways, stop development where there should not be any development, and make sure hazard areas were developed properly.

Mr. Stauffer said his idea of a long term master plan included more than studies or maps, it would be an approach that identified the hazard areas, and identified where building would be permitted and areas that should not be developed at all, it would include codes, and historical mapping.

Mr. Williamson said a plan need to be developed for certain areas, and other areas that did not need involvement.

Mr. Wille stated if the funds were being spent on a specific program, a final goal needed to be set to identify what was being paid for.

FLOOD WORKSHOP COORDINATION - Cancelled.

(07:43:30)

GENERAL DISCUSSION AND QUESTIONS

Specific Recommendations for the Assembly

Mr. Nelson said he would like a process in place that provided a better oversight of the changes being made, such as better codes and follow-through.

Ms. Gabler would like to see more continuity within the Borough Code.

Ms. Toll would like to see a comprehensive plan to both prioritize where the most difficult problems were and a mechanism that would allow for different mill rates within that area.

Ms. Terry would like to see the adoption of the historical flooding areas and see it include it as part of the Borough Code.

Mr. Best felt the Task Force had covered a lot with the plat note, and the public notices, when you came down to it the infrastructure of the Borough was the roads, and that it was the infrastructure he would like to see protected, and felt that great strides were made by requiring certain engineering design requirements for new roads.

Mr. Lyon would like to see the word viable added to the plan mentioned earlier, he would also like to see the Assembly provide the means necessary to accomplish what needed to be done, and the roads planned and developed for long term, rather than just replacing something that exists today.

Mr. Mahalak would like to see the flood mitigation plan developed during the Don Gilman administration implemented, structural and non structural mitigation objectives from the 1996 flood mitigation plan.

Mr. Stauffer would like to see something to replace Ordinance 2009-09 when it sunsets or removal of the sunset clause, some type of mechanism like CMZ Lite, FIRM maps, SMFDA historical flooding, a commitment not to plat in high risk areas, and floodplain easements allowing access to the river for mitigation.

Mr. Wille would like to see Ordinance 2009-09 continued or a similar type ordinance in place.

Mr. Peterson said the Task Force had accomplished a lot at this time, and would like to see some type of disclosure statement.

Mr. McCracken would like to see more land available to swap with people who were within a hazard area.

Mr. Williamson would like to see more land available for swapping, easements for mitigation work within the river.

Ms. McClure would like to see the sunset of Ordinance 2009-09 done gracefully, making sure the Assembly remains aware of the problem, allowing plats denial if within a hazard zone, and asking for funding to expand more available land.

Mr. Gray would like a comprehensive plan, a resolution from the task force to supporting the comprehensive plan, and a resolution asking for a true soils mapping project of the Seward area.

Chair Long noted that he achieved one of his goals with the enactment of Ordinance 2009-09, he felt the possible need for the continuation of Ordinance 2009-09, it would depend on the implementation of the new FEMA maps. He said using CMZ Lite as a planning tool and a regulatory tool, funding out of the land bank and other sources, and a tax incentive similar to what was being done with river front properties.

Mr. Stauffer suggested a resolution to continue Ordinance 2009-09 beyond the sunset date.

Mr. McCracken asked if there had been any information regarding the navigability determination. Mr. Mahalak said there was no further determination at this time.

TASK FORCE MEETING AND ANNOUNCEMENTS

The next meeting of the Flood Plain Task Force was scheduled for June 10, 2009, at 6:00 p.m. in Assembly Chambers of the Borough Administration Building.

ADJOURNMENT

The committee adjourned at 8:16 p.m.