
Kenai Peninsula Borough

Flood Plain Task Force

Meeting Summary

June 10, 2009 - 6:00 p.m.

Regular Meeting

Borough Assembly Chambers, 144 N. Binkley, Soldotna

CALL TO ORDER

A regular meeting of the Flood Plain Task Force was held on June 10, 2009, in the Borough Assembly Chambers, Soldotna, Alaska. Chair Long called the meeting to order at 6:00 p.m.

There were present:

Ron Long, Chair	Scott Walden
Charlie Pierce, Vice Chair	Holly Montague
Dan Mahalak	Max Best
Jane Gabler	Mat Gray
Christy Terry	Kevin Lyon

Absent:

Robert Hicks	Jim McCracken
Todd Petersen	Randy Stauffer
Sue McClure	Ron Wille
Bill Williamson	

Also in attendance:

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

WELCOME

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

The following change was made to the Agenda.

- Items F. and G. were scheduled to be heard prior to E.

PUBLIC COMMENT - None.

MAY 27, 2009 MEETING SUMMARY

FLOOD WORKSHOP COORDINATION - SCOTT WALDEN

Mr. Walden said the Flood Workshop Coordination had not been scheduled yet; however, he should have know when it would be held by June 30, 2009.

Mr. Mahalak asked where the workshop would be held. Mr. Walden said it would be in the Seward area.

RECOMMENDATIONS TO THE ASSEMBLY

Suitability Mapping

Mr. Gray gave a presentation on the suitability mapping, he used the suitability mapping project done in Homer as an example. He said a comprehensive plan was needed to incorporate landscaping systems into the development plans. He said piecemeal development would lead to loss of functional and economical values.

Mr. Gray said the initial core of the project would be done by General Information Service (GIS) mapping efforts, where multiple layers would be analyzed. Another goal would be to encourage public support, and include incentives that would effectively bring that support. He said suitability mapping was a planning tool, and it did not include building code requirements, it was a simple program that utilized science to develop goals, and then developed a program that encouraged people to participate rather than forcing them to. He noted the Homer Builder Certification program was a mechanism that would bring community support, from more than just land owners, and it also effectively educated developers about the complications involved with certain properties.

Mr. Gray referred to the mapping layers shown in his presentation, and noted the layers represented major concerns, such as water source, and water source protection. He said the mapping was usually separated into categories; conservation issues, developing, and then combined into one map. He felt that the trail mapping layer would be highly beneficial to the Seward area.

Mr. Gray said the consultants who did the mapping for Homer, had streamlined the process, which may be reflected in a reduction of cost for the same process.

Ms. Schmidt said the mapping done in Homer was for identifying lands that had a high ecological and development value. Once the lands were identified they were targeted to encourage incentive based programs for developers to utilize best management practices. She noted although the builder certification program was developed, it had not been implemented. She said obtaining financial incentive was difficult with the current economy.

Mr. Gray said the incentive programs could be used for lands that were in a flood risk area, and if developed properly, offer an incentive. He said suitability mapping combined with Channel Migration Zone (CMZ) development would identify the areas that should not be developed, and used in the long range planning process. He said once land was identified as not develop-able, the need for buy out options would be apparent.

Mr. Gray noted the City of Homer website had a lot of information regarding this process.

Chair Long asked if the website information was specifically for the Homer project. Mr. Gray said yes.

Ms. Terry asked how the program was implemented with the contractors. Ms. Schmidt said the certification was not yet implemented; however, the concept was an incentive such as a low interest rate loan.

Ms. Terry asked if the incentive program only apply to certified builders, how would it benefit property owners. Ms. Schmidt said this project was also drawing the interest of property owners.

Ms. Schmidt noted the program was a generalized way to guide future development. She said no one who owns private property wants to be told how they can or cannot develop it, and that was why she felt incentive based programs were the best approach.

Mr. Gray asked Mr. Best how he felt this type of program would fit in with Borough planning? Mr. Best said people were going to want to see a successful project first.

Chair Long asked if the incentive program was only within the City of Homer. Ms. Schmidt said mostly; however, the borders were extended to include the Bridge Creek Watershed.

Chair Long noted that the requirements would only apply within city limits.

Ms. Schmidt said if a builder wanted the project certified all requirements would have to be met.

Chair Long asked if the program could be expanded after it was initially implemented, for instance, more layers. Ms. Schmidt said the data could be updated layer by layer.

Chair Long asked if the funding involved was a one time application, or was there program funds for continued development of the project.

Ms. Schmidt said most of the project was funded by an Environmental Protection Agency (EPA) grant, and that was a one time award; however, there were revolving funds that were being reviewed.

Mr. North said typical grants were not repeatable, they were intended to get a program started, and then a local entity would keep it going. He did note the Borough was eligible for low interest rate loans.

Mr. Lyon said it was a violation of Borough code to take a loan for more than one year.

Chair Long asked if the project would be applicable to receive coastal zone funds. Mr. North felt it would qualify.

Mr. Mahalak asked what Borough Department would oversee coastal impact funding. Mr. Lyon said it would be Gary Williams in Coastal Management.

Mr. Gray said at the last meeting it was discussed that CMZ was a good method; however, specific goals needed to be made, a lot of work was going into studies, but the planning effort was lacking. He said when you reviewed suitability mapping could have potential. He said a combination of all the studies that were already done would be beneficial.

Mr. Gray asked how Ms. Terry felt this type of program would work with the current City of Seward efforts. Ms. Terry said she was not sure how it would work into the building permit structure.

Ms. Terry asked how it was affecting the City of Homer building permits. Ms. Schmidt said she was not sure.

Mr. Pierce said he would like to see specific goals, the risks and liabilities, and funding sources identified, and consideration of staff time.

Chair Long said there were two or three directions already identified for funding sources to get the project started. He said the Task Force could recommend to the Assembly how much or how little of the process be implemented, and a decision made on how much of this process should be left to future groups.

Chair Long requested Mr. Gray present a spread sheet showing the potential costs and potential funding sources at the next scheduled Task Force Meeting.

(07:15:45)

CMZ Lite

Mr. Lyon said it was known what would be accomplished with CMZ Lite, and approximately what the costs would be, the data was available. He distributed the Federal Emergency Management Agency (FEMA) "Certification Requirements for Simple Floodway Encroachments" and noted this was where the no rise restrictions were coming from. He referred to images showing where dikes were breached, and noted the funding to maintain these structural fixes needed to be addressed.

Mr. Lyon noted maintenance was done at a very high cost, he noted there were a lot of rules tied to spending government funds. He said residents outside of the City of Seward would like to do the work themselves; however, often times the area where the problem was generated was not near the resident. He said when the process was slowed down, the cost to the Borough still did not go away.

Chair Long commented on a way for the Borough to do the engineering and planning for the maintenance, and then have the private sector perform the work. Mr. Lyon said it would significantly lower the cost; however, the Borough was ultimately liable for the permit.

Mr. Lyon stated it could be possible to require a bond and the citizens themselves could then solve the problem.

Chair Long suggested a discussion with CIRI; because, they had millions of dollars of infrastructure in the floodway, and it would be in their interest to protect that. He said it would be in the Borough's best interest to make sure the measures taken by CIRI were done with the management practices in place that protected all structures within the floodway.

Chair Long noted if there was anyone was within the floodway and not in compliance they needed to stop.

Ms. Montague said the first step would be to issue a stop work order, there was a process in place and it needed to be followed.

Mr. Lyon said his recommendation to the Assembly would be, "Adequate local funding to be able to perform the required maintenance." He said this would save a majority of the response needed.

Mr. Mahalak said the Borough was worried about the roads, and culverts were suggested so water could follow the flow, the property owners were upset, as their property was on the other side of the road.

Ms. Montague stated that if the Borough issued a permit, even if on private lands, the Borough would then be responsible for maintaining it.

Ms. Montague wanted to clarify that some of the efforts of the Task Force were moot, since there was no more land available for development. Mr. Long said it would not be if lands were opened up for swaps and buyouts.

Ms. Montague suggested changing the subdivision regulations prior to opening up lands for development.

Chair Long noted that the Task Force was established in response to a one year moratorium where nothing was built at all, while decisions were being made as to how to develop responsibly. He noted many things have been accomplished by the Task Force.

Ms. Terry asked if there were any other areas within the Borough which had specific funding for flood issues, like the Seward Bear Creek Flood Service Area (SBCFS). Chair Long said there were none that he was aware of even within the State.

Mr. Lyon said the Borough would have no mitigation powers without the SBCFS.

(07:52:20)

Land Availability

Mr. Mahalak said a map was developed at Mr. Williamson's request, and noted there were highlighted areas on the map showing people who were willing to trade land. He said the plan would allow the river to take its own course through the area.

Mr. Pierce recommended that Marcus Mueller from Land Management be involved with the land swap options.

Mr. Best asked what type of mitigation process would take place in the swapped area, if the Borough acquired the land? Mr. Mahalak said nothing would be done, it would allow the river to take its natural course.

MATT GRAY RESOLUTIONS

Mr. Gray said Resolution 2009-03 would allow for improved comprehensive hydrological analysis of the soil.

[Clerk's Note: Flood Plain Task Force Resolution 2009-03 was amended as follows: The eight whereas to read, "The Kenai Peninsula Borough Planning Commission reviewed this resolution at its _____ meeting and recommended _____; and", the ninth whereas to read, "The City of Seward [ADVISORY] Planning and Zoning Commission reviewed this resolution at its _____ meeting and recommended _____;"]

The Task Force agreed to adopt Flood Plain Task Force Resolution 2009-03 without objection.

(08:12:43)

GENERAL DISCUSSION AND QUESTIONS

Chair Long said when considering land development there were three options "Yes," "No," or "Maybe" the answer depended on if the land could or should be developed, and "could" or "should" was a critical distinction, one was advisory and the other was binding. He said he thought of a fourth option and that would be unbuilds, which would look backwards. He said yes would be for those clearly suited for development, Maybe would be those that could be developed conditionally, No would be lands that clearly should not be developed. He said an unbuild would be for developed land that should not have been developed.

Ms. Gabler noted that there were five land transactions in the Seward area, with three different owners, so notices were sent regarding the floodplain areas.

Ms. Montague noted that if the land was classed as a no build option, why not just cash the owner out.

Ms. Terry asked where the navigability determination was in the process. Mr. Lyon said it was not complete yet.

Mr. Mohorcich said there was a very successful program in Tahoe, Nevada. He said it required incentives to get the program started, and one of those was identifying the property owners who went through the program and recognizing them in advertisements. He said what they saw then was property values go up on property that had been through the program and business's that had been through the program had an increase in business and the business values went up.

Mr. North said it was nice to see a new approach to the Seward flooding issues.

Mr. Walden noted that he worked with several different agencies on subjects like this all the time, and he said most of them feel like they are doing nothing but creating a place holder for a file. He said he felt like the Task Force was actually making a difference.

TASK FORCE MEETING AND ANNOUNCEMENTS

The next meeting of the Flood Plain Task Force was scheduled for June 24, 2009, at 6:00 p.m. in the City Council Chambers of Seward City Hall.

ADJOURNMENT

The committee adjourned at 8:31 p.m.