
Kenai Peninsula Borough

Flood Plain Task Force

Meeting Summary

June 24, 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 June 24, 2009, in the Upstairs Conference Room of Seward City Hall, Seward, Alaska. Chair Long called the meeting to order at 6:00 p.m.

There were present:

Ron Long, Chair
Dan Mahalak
Jane Gabler
Christy Terry
Todd Petersen
Sue McClure
Bill Williamson

Colette Thompson (via teleconference)
Max Best
Ron Wille
Randy Stauffer
Jim McCracken
Matt Gray

Absent:

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

Also in attendance:

Shellie Morgan, Deputy Clerk
Mary Toll, KPB Planning

WELCOME

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

The following item was added to the agenda.

- Postponed Flood Plain Task Force Resolution 2009-01.

PUBLIC COMMENT - None.

JUNE 10, 2009 MEETING SUMMARY

RANDY STAUFFER PRESENTATION - National Flood Plain Management Conference

Mr. Stauffer said he attended the Association of Floodplain Managers 33rd Annual National Conference June 7 - 12, 2009, in Orlando Florida. He felt the multiple work shops and educational sessions he attended were beneficial. He said Major General Don T. Riley, U.S. Army Deputy Commanding General and Deputy Chief of Engineers, U.S. Army Corps of Engineers was a keynote speaker during one of the luncheons, and General Riley had addressed the U.S. Army Corps of Engineers new mission statement which no longer included any reference to the word "building," the new statement included new wording relating to, "helping local governments with their green infrastructure."

Mr. Stauffer noted an additional session given by a Federal Emergency Management Agency (FEMA) representative indicated that FEMA was trying to re-allocate responsibilities back to the state and local levels of government, and the conference theme supported that direction.

Mr. Stauffer said FEMA did not have funds available to recover from another disaster like Katrina, and were no longer interested in restoring structures after a disaster, under the pretense if it was damaged during an event it was obviously was not built well enough in the first place.

Mr. Stauffer noted that FEMA was moving away from the Flood Insurance Rate Maps (FIRM) concept and floodplain management, and moving toward a Risk Map concept. He said Risk Maps include all hazards not just flood hazards, the concept includes identifying the risks, assessing the risk, communicating the risk to the public, and mitigating the risk. He said it was intended to reduce the losses to life and property.

Mr. Stauffer said FEMA was looking into mitigation rather than coming in after a disaster and paying for recovery. He said one particular session was directed specifically to how local and state governments can update their all-hazard plans to be FEMA compliant. He said in 2004 FEMA implemented requirements for entities to have an all hazard plan in order to be eligible for Federal Assistance. He said the plans were required to be updated on a regular schedule.

Mr. Stauffer said it was apparent that Federal funds were available in the form of various types of grants, for specific types of projects, mostly in high risk areas. He said small communities were not as likely to get funding, it was more for large, financially high risk areas.

Mr. Stauffer also noted that it seemed highly populated, and high risk areas had received new FIRM maps over a year ago, showing another example of where FEMA was placing their priorities, since they were an insurance company and had high risk possibilities.

Mr. Gray asked if there were all-hazard risk plans available. Ms. Terry said the City of Seward had one. Mr. Best said the Kenai Peninsula Borough (KPB) had one also.

Chair Long noted the Borough's all hazard plans were continuously being updated. He said it was not surprising to see FEMA transferring the responsibility back to the state and local government, he also noted that it did not sound like FEMA was transferring funds along with those responsibilities.

Mr. McCracken asked if the map coming in September from FEMA were only going to be FIRM maps, and not address any other hazard issues. Mr. Stauffer said yes.

Mr. Stauffer said the Seward-Bear Creek Flood Service Area (SBCFSA) mitigation plan was FEMA approved; however, FEMA would no longer be approving single project plans, it would have to be part of an all-hazard plan.

(06:27:24)

FLOOD PLAIN TASK FORCE RESOLUTION - 2009-01 Navigability

Chair Long said he would like to move forward with postponed Flood Plain Task Force (FPTF) Resolution 2009-01 as there had been no progress in pursuing the navigability determination administratively, and noted the proposed change nationally removing the word "Navigable" from the Clean Water Act, which basically put Congress in control of determining how state and local governments were able to deal with a variety of issues involving crossing a property line boundaries.

Mr. McCracken asked for confirmation that the letter KPB was operating under regarding navigability was actually only a letter and not an actual determination. Ms. Thompson said yes.

Chair Long felt it was time to proceed and get a navigability determination, he said if it were a determination that KPB did not agree with, it could then be challenged.

Mr. Mahalak agreed it was time to proceed.

The FPTF approved Flood Plain Task Force Resolution 2009-01 without objection.

(06:51:18)

RECOMMENDATIONS TO THE ASSEMBLY

Chair Long felt it was time to determine which actions would be appropriate for the Assembly, SBCFSA, or Planning Commission. He wanted to determine what issues were legislative, what issues should be handled by the SBCFSA .

Mr. McCracken noted the Task Force and SBCFSA were established for flood oriented issues, and the actions should stay within those boundaries.

Chair Long said he did not want to be spending large amounts of time writing Resolutions that could be handled by the SBCFSA.

Mr. Willie felt the land availability issue would be one that was legislative. He felt a request should be sent to the Assembly requesting the option be further pursued through the KPB Land Management Department and the Assembly.

Mr. Stauffer said a recommendation regarding Ordinance 2009-09 would be legislative.

(06:56:01)

LAND AVAILABILITY

Chair Long said an alternative had to be provide as an incentive to get property owners within the flood hazard area to move outside of it, without it the property owner would be bearing all of the burden. He said language needed to be developed on what type of land trade options could be

utilized.

Mr. Peterson felt the land trade options should only be available to privately individual owned land, he did not see this as a process to be used with developers.

Chair Long said previous discussion indicated that an equal acreage trade would not be a viable option and the trades would be based on value for value.

Ms. Terry felt if someone owned one residential acre, it may be the right incentive to relocate out of the flood hazard area if an equal sized acre was available.

Ms. Toll said a developed lot should be first priority in the land trade option, over the non-developed lots.

Mr. McCracken said repetitive loss areas should be a priority.

Mr. Best noted when considering acreage traded for equal acreage, it also had to be considered what costs were being accumulated to the Borough for repairs to the roads. He said there was value to the Borough when the road did not have to be reconstructed on a regular basis.

Chair Long felt that there was common good in taking people out of harms way, by moving them. He said a legitimate public purpose was needed for making lands available for this use, unlike previous Borough land disposals which were based on the highest sale price.

(07:07:00)

Chair Long requested a draft Resolution for the next Task Force meeting to the effect of: "The Assembly establish a policy that Borough owned lands or Borough acquired lands in the area of concern of this Task Force could and should be put to work in getting people out of harms way / repetitive loss areas, and getting them into more stable posture for not only their good, but the rest of the Borough as well."

McCracken requested a time line be assigned with the Resolution.

Mr. Wille requested the Resolution be assigned to a specific Borough Department, such as Land Management, he said land outside of the Seward area should also be available for trade options.

(07:10:45)

RECOMMENDATION ON ORDINANCE 2009-09

Mr. Stauffer felt the Task Force needed to make a recommendation to the KPB Assembly as to whether Ordinance 2009-09 should be modified, allowed to sunset, or continued as is. He said if there was no better options than Ordinance 2009-09, the sunset date should be removed.

Mr. Peterson said he did not want to see Ordinance 2009-09 continued and it should be allowed to sunset.

Mr. Mahalak was unsure at this time as how Ordinance 2009-09 should be addressed. He noted there were a few properties that had been affected by it, and some action had to be taken on them, he said the data did now exist and was archive-able and should be used to the best of the Borough's abilities.

Mr. McCracken said Ordinance 2009-09 should be allowed to sunset, and SBCFSA should be the one commenting; because, SBCFSA was an elected body and should be the ones making the recommendation to the Assembly.

Mr. Best said he wanted to address what was not working with Ordinance 2009-09.

Ms. Gabler said she would like more detail in Ordinance 2009-09, it was left open for too many interpretations. She said it needed to be more specific for the people who were trying to build, she said she did not want to see it sunset completely, it should be continued in some format, as it was a good tool for proper development.

Mr. Gray felt the SBCFSA should participate in the recommendation, and felt Ordinance 2009-09 may be continued for only one year, with the SBCFSA making changes to Ordinance 2009-09.

Mr. Wille asked how many property owners had contacted the Kenai River Center (KRC) due to Ordinance 2009-09. Ms. Gabler said it was about five.

Mr. Wille asked if the notifications being sent by the KRC were going to continue after Ordinance 2009-09 sunset. Ms. Gabler said yes.

Mr. Wille felt if the information was continuing to be sent out that would be very beneficial.

Ms. Gabler noted it had been very helpful to have the different map layers available to show the people which floods affected their property.

Chair Long said the educational component had caused people to consider the hazards, and he wanted to make sure the information remained available. He noted it was nice to see responsible actions being taken outside of the FIRM map areas.

Mr. Wille recommended a list be compiled of the parcels affected by Ordinance 2009-09, so the Assembly decision would be based on what had actually happened.

Chair Long stated if he felt the Task Force was within its responsibility to make a recommendation to the Assembly regarding Ordinance 2009-09.

Mr. Stauffer said regardless of the Task Force's recommendation if the City and Borough choose to stay in the NFIP program they would have no choice but to accept the FIRM maps.

Mr. McCracken said there was still a lot of information that had not yet arrived and it was too soon to make an informed decision regarding the status of Ordinance 2009-09.

Mr. Gray said additional planning could replace what Ordinance 2009-09 was doing.

The Task Force postpone further discussion regarding recommendations on Ordinance 2009-09.

SUITABILITY MAPPING

Mr. Gray said the need for more planning effort was apparent, and felt a recommendation to the Assembly to pursue this type of project was in order. He said a program like suitability mapping would assist the SBCFSA in doing their job, and noted it was a scientific process and not regulatory.

Mr. Peterson asked who would be doing the mapping for the project. Mr. Gray said it would have to be put out as a request for proposal.

Chair Long said there was enough standards in the existing flood plain ordinance that it would look like a building code.

Mr. McCracken asked for a definition of suitability mapping. Mr. Gray said it was the process of using GIS layers to identify as many of the natural features of the landscape as possible.

Mr. McCracken stated the scope of the Task Force was for addressing flood issues only. He felt suitability mapping was important; however, it was beyond the scope of this Task Force.

Mr. McCracken asked if the SBCFSA had a master plan that included CMZ Lite. Mr. Williamson said they had a master plan. Mr. Stauffer noted the board approved establishment of a master plan, it did not specify CMZ Lite.

Mr. Wille said if the suitability mapping was related to the flooding it would then be valid. He noted that originally he thought the mapping would regulate what could not be done; however, it would also be providing information on what could be done also.

Chair Long noted the similarities in the recommendations of this Task Force and the one from 1987.

Chair Long requested everyone take all of the ideas and combined them into a plan.

Mr. Mahalak said the Borough subdivision codes definitely needed to be reviewed. He would like the Assembly to assign someone to review the code in detail.

Chair Long said he did not want to assume no mitigation was going to be taking place when looking at future options. He said the projections being made were based on a totally at will stream, and he felt that was an assumption that nature would be allowed to run wild.

Mr. Mahalak said there were not enough funds available for mitigation that would prevent the streams from taking a natural course. He noted the Task Force had requested the State to remove the fee for gravel extraction, and now the Borough needed to be asked to remove the fee for riprap from the Seward Rock-Quarry.

The Task Force agreed to have a resolution introduced to the Assembly requesting the removal of the Riprap fee.

Public Comment

Robert White, Seward, said he felt Ordinance 2009-09 did not address the specific type of problems that were present, and felt it opened up a liability issue. He said the land swap option was not all that viable and would have been done if it were possible; however, there was not enough land available for development. Finally he said CMZ would only work if it included a maintenance plan, with a commitment for funding to keep it in place.

Jim Conant, said the levee's and dike's that were built needed to be maintained. He said the SBCFSA had done maintenance; however, funds diminished and further maintenance was not being done, he felt there needed to be some type of language that allowed for funding to complete the much needed maintenance.

(08:15:20)

GENERAL DISCUSSION

Mr. Gray said even with CMZ planning, all other options also had to be included such as clearing gravel, bank reinforcements, and dike maintenance.

Mr. Best said from platting perspective on subdivisions, the Planning Commission could not regulate what happened on properties as far as what was built on them, which places the Planning Commission in a difficult position. He said you could not tell a builder they could not subdivide based on a building regulation. He said if suitability mapping was done, the Borough would then have documents available to prove what should or should not be done.

Mr. Mahalak said the Environmental Protection Agency (EPA) and U.S. Fish and Wildlife were willing to do the stream and wetland assessments within the SBCFSA, with the in-kind service of his help, he said the SBCFSA said they would like to have that information. Mr. Mahalak also said that FEMA was willing to fund the risk assessment; however, the Borough would need to be a certified technical partner, and the Borough would have to be willing to accept the risks.

Mr. Stauffer said access to the streams for mitigation work was a problem, historically the Borough trended to plat into the middle of a stream, which then makes the stream private lands.

TASK FORCE MEETING AND ANNOUNCEMENTS

The next meeting of the Flood Plain Task Force was scheduled for July 8, 2009, at 6:00 p.m. in the Council Chambers of Seward City Hall.

ADJOURNMENT

The committee adjourned at 8:42 p.m.