
Kenai Peninsula Borough

Flood Plain Task Force

Meeting Summary

July 8, 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 July 8, 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	Hall Smalley, Alternate Vice Chair
Colette Thompson	Matt Gray
Dan Mahalak	Max Best
Jane Gabler	Ron Wille
Christy Terry	Randy Stauffer
Todd Petersen	Jim McCracken
Sue McClure	Bill Williamson

Absent:

Charlie Pierce (excused)
Kevin Lyon (excused)
Scott Walden (excused)
Robert Hicks (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.

PUBLIC COMMENT - None.

JUNE 24, 2009 MEETING SUMMARY

RECOMMENDATION DISCUSSION

(06:05:12)

Ordinance 2009-09

Mr. McCracken said he would like to see Ordinance 2009-09 continue until sunset as scheduled.

Mr. Peterson felt Ordinance 2009-09 should be allowed to sunset, he said there was still a lot of information to be gathered from this process, and that would have to be considered when making the final decisions.

Mr. Stauffer said he was concerned the new Federal Emergency Management Agency (FEMA) maps due in September, may cause parts of Ordinance 2009-09 to become obsolete. He felt the new information coming from FEMA needed to be reviewed prior to the Assembly's decision regarding the sunset of Ordinance 2009-09.

Mr. Gray suggested the Task Force request the Seward-Bear Creek Flood Service Area (SBCFSA) provide the recommendation some time closer to the sunset date of Ordinance 2009-09.

Chair Long noted his intent was for Ordinance 2009-09 to be a stop-gap measure, until something permanent could be provided, such as; maps, comprehensive strategy, mitigation plan or some other basis for mitigation work outside of the current Flood Insurance Rate Map (FIRM) areas. He said previous indications were the new FEMA maps were not going to be delivered for some time, and that prompted the Ordinance. He noted that some level of oversight was needed, especially in the repetitive loss areas that were not included on the existing maps.

Mr. Williamson said members of the public had been approaching him with questions regarding the effects of Ordinance 2009-09. He felt the problems were now more apparent, more information was available, and the public was involved. He said Ordinance 2009-09 had made a difference.

(06:12:51)

Subdivision Requirements

Chair Long asked Mr. Best if he believed that a CMZ Lite or Suitability Mapping program would give the Planning Department the tools needed for managing development within the Flood Hazard areas, or would something more be required. Mr. Best felt they would provide enough information to begin setting regulations.

Chair Long felt the Borough Assembly would want to see results from the actions taken by the Task Force so far, prior to introducing new subdivision requirements.

Mr. Peterson asked how the Planning Department would be using the maps when setting subdivision codes. Mr. Best said being able to see all aspects of the property within the maps would show the number of properties involved with the Flood Hazard area. He further stated the Planning Department may not be able to prevent a lot from being split; however, when it came to dedicating additional roads, the Borough could deny the application.

Mr. Williamson noted that if a developer were financing through a lender, the developer would be regulated by the Clean Water Act, and be required to show the water flow.

Mr. Wille felt that the correct information would allow the Borough to tell a developer when a right-of-way could not be dedicated, when located in a high hazard area. He said if a right-of-way was not dedicated through the subdivision, there would be no legal access.

Mr. Best said Planning Codes required every lot front on a dedication; therefore, when a new dedication was created, the Borough could require engineering and acceptance through Borough Road Maintenance Standards.

Mr. Peterson noted if there was a 10 acre tract with roads on two or more sides, it would then have enough access to subdivide. Mr. Best said yes, as long as no additional right-of-way was required.

(06:20:31)

RESOLUTIONS

Resolution 2009-04

Chair Long referred to the suggested amended version of Resolution 2009-04 shown on page 15 of the packet. The Task Force agreed to amend to the Land Management Version of Ordinance 2009-04.

The Task Force agreed without objection to the following amendments:

Insert a new sixth whereas to read, "Restoring these repetitive loss parcels to an undeveloped state restores necessary flood carrying capacity that reduces the overall hazard; and"

Insert the previously removed whereas to read, "the Borough Planning Commission reviewed this resolution on _____ and recommended _____; and"

Section 1 to read, "The Kenai Peninsula Borough Flood Plain Task Force (FPTF) recommends to the Assembly that it evaluate lands for purchase, sale and trade in order to move property owners from flood hazard areas within the SBCFSA. The FPTF further recommends that the administration seek additional municipal entitlement lands which may be appropriate for such purpose and to work with the State of Alaska Department of Natural Resources as necessary to achieve beneficial entitlement selections. The FPTF further recommends that this program be developed to primarily aid homeowners, and that parcels with structures in flood hazard areas have priority in receiving relief. The FPTF further recommends that the administration submit the program to the Assembly for approval [BY JULY 1, 2010] prior to March 24, 2010."

Section 1 to read, "The Kenai Peninsula Borough Flood Plain Task Force (FPTF) recommends to the Assembly that it evaluate lands for purchase, sale and trade in order to move property owners from flood hazard areas within the SBCFSA. The FPTF further recommends that the administration seek additional municipal entitlement lands, University of Alaska lands, and Mental Health Trust lands which may be appropriate for such purpose and to work with the State of Alaska Department of Natural Resources as necessary to achieve beneficial entitlement selections. The FPTF further recommends that this program be developed to primarily aid homeowners, and that parcels with structures in flood hazard areas have priority in receiving relief. The FPTF further recommends that the administration submit the program to the Assembly for approval prior to March 24, 2010."

Mr. McCracken noted he would like to see open lines of communication between the Kenai Peninsula Borough and the Seward-Bear Creek Flood Service Area (SBCFSA).

Resolution 2009-04 was adopted as amended by the Task Force without objection.

Resolution 2009-05

Mr. McCracken and Mr. Stauffer noted concerns regarding Resolution 2009-05 and the Task Forces scope of responsibility.

The Task Force agreed without objection to the following amendments:

The fourth whereas to read, "a CMZ analysis will establish the historic river channels and floodways; identify areas of high bank erosion; identify areas of aggradation; identify methods to prevent erosion; identify methods to maximize sediment transport; provide maps that clearly define the flooding threat for individual properties; identify areas where bed load reduction is needed; identify where dikes need to be added [OR], improved or removed; identify areas that are restricting current water flow and work to improve and or remove them where appropriate and identify where river banks need to be reinforced; and"

The Task Force discussed dike maintenance and certification and the requirements necessary to participate in the National Flood Insurance Program (NFIP).

The fifth whereas to read, "CMZ analysis in combination with suitability mapping will identify areas where development is appropriate; identify areas where development could occur if proper construction techniques are utilized; identify where flooding is too common and development should not occur; identify where currently developed areas should be returned to the floodway to give the rivers reasonable flow channels; including possible dwelling or development relocations; and include a coordinated effort to see that suitable upland areas (federal, state, borough, and private) are opened for development as soon as possible; and"

Insert a new third whereas to read, "existing Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM) Maps were drawn using out of date information that does not accurately describe present day flood hazard areas; and"

Insert a new fourth whereas to read, "updated FEMA Maps are expected in the relatively near future, but by themselves only show the existence or non existence of prior flooding and did not contain information on flood depth, velocity, duration, resistance or vulnerability characteristics of the surrounding topography or development and thus are inadequate as planning tools; and"

(07:07:00)

Title to read, "A Resolution Recommending that the Borough Assembly Authorize A Watershed Master Plan including A Channel Migration Zone (CMZ) Analysis and Suitability Mapping Project within the Seward-Bear Creek Flood Service Area"

Section one to read, "That the Kenai Peninsula Borough Flood Plain Task Force recommends that the Kenai Peninsula Borough Assembly authorize the completion and funding of a watershed master plan including a CMZ analysis in combination with a suitability mapping project and the development of a flood zone building methods program."

The Task Force agreed without objection to the following amendment:

Title to read, "A Resolution Recommending that the Borough Assembly Authorize the Administration and the Seward-Bear Creek Flood Service Area Board to Complete A

Watershed Master Plan Including [A] Channel Migration Zone (CMZ) Analysis and A Suitability Mapping Project within the Seward-Bear Creek Flood Service Area"

Section one to read, "That the Kenai Peninsula Borough Flood Plain Task Force recommends that the Kenai Peninsula Borough Assembly authorize the Administration and Seward-Bear Creek Flood Service Area Board to complete [COMPLETION] and [FUNDING OF] fund a watershed master plan including a CMZ analysis in combination with a suitability mapping project and the development of a flood zone building methods program."

The newly numbered ninth whereas to read, "a flood zone building methods program would establish recommended building methods combined with a highly developed outreach effort; proved the most compelling process to encourage people to build correctly without imposing codes and establishing a complex and expensive compliance effort; provide low interest loans for landowners who follow the flood zone building methods program from the state revolving funds (SRF), and interest rates would be [1.5 TO 3 POINTS] below conventional loans; would save the owner thousands over the life of the loan, essentially paying for special construction methods; and the Alaska SRF currently has \$43.2 million (\$237,000 dedicated to planning and is actively looking for applicable projects; and"

The newly numbered thirteenth whereas to read, "the next EPA funding cycle (proposal deadline) [WILL PROBABLY BE EARLY WINTER 2010] could be available as early as fall 2009, providing a reasonable time line for working out the details with the various governmental agencies and producing the proposal; and"

The following amendment failed, with one vote of support:

To delete the newly numbered eighth whereas.

Resolution 2009-05 was adopted as amended by the Task Force with one objection.

(08:04:48)

REVIEW OF KPB FLOOD PLAIN ACTIONS

Chair Long summarized the accomplishments of the Task Force.

Ms. Terry referred to Borough Code 14.03.100(D), which referred to the Seward Mapped Flood Data Area (SMFDA). She noted that Assembly Ordinance 2009-09 outlined what the SMFDA actually was and noted the effects by Ordinance 2009-09 at sunset. She suggested a separate ordinance defining the SMFDA outside of Ordinance 2009-09.

Mr. Gray asked if KPB Ordinance 2009-29 would also be removed when KPB Ordinance 2009-09 sunset. Chair Long said no.

Mr. McCracken asked if any information had been received from the State of Alaska regarding the navigability determination. Mr. Mahalak no.

Mr. Mahalak requested a recommendation from the Task Force to the Assembly regarding in-kind services to EPA and FEMA. The Task Force agreed the recommendation from SBCFSA was appropriate.

Mr. Stauffer noted he would like to see a one page summary that reflected the accomplishments of the Task Force. Chair Long said he would be drafting a memo to that effect.

Mr. Peterson suggested the Task Force meet one more time prior to the sunset of Ordinance 2009-09. Chair Long said he would include that information in his memo.

Mr. McCracken noted the final meeting should be a follow up on the actions taken by the Task Force.

(08:17:56)

GENERAL DISCUSSION AND QUESTIONS

Ms. McClure noted she had been approached with questions about the Task Force and the effects on property values.

Mr. Wille thanked the Borough staff for working on the Task Force.

Mr. Williamson said he spoke with Seward-Bear Creek Fire Chief, Dave Hays, and Mr. Hays had voiced concerns about sending his staff into some of the hazard areas during events.

Mr. Stauffer thanked everyone for their participation with the Task Force. He felt it was interesting that this Task Force had made some of the same recommendations made by the Task Force in 1987.

Mr. Gray noted the Task Force had made several accomplishments, and felt there was much more to do; however, these were steps in the right direction. He thanked everyone involved with the Task Force.

Ms. Terry thanked the Kenai Peninsula Borough Assembly for making the Seward flood hazard a priority, and the Borough staff who participated.

Ms. Gabler explained the process being used when permits were issued for development within flood plains, she showed an example of the permit notice which would be posted in a visible area of the property.

Ms. Thompson said she was impressed with the work done by the Task Force and staff.

Ms. Toll agreed with Ms. Thompson and said it was nice to see the all of the specific ordinances and resolutions that came from the Task Force.

Chair Long thanked everyone for their participation, he felt the task force was successful due to the individual diverse contributions that brought the Task Force together. He said everyone had a common interest; however, a different approach. He said if everyone had thought alike, there may not have been as much progress made.

TASK FORCE MEETING AND ANNOUNCEMENTS

The next meeting of the Flood Plain Task Force will be held in early 2010 prior to the sunset date of Ordinance 09-09

ADJOURNMENT

The committee adjourned at 8:31 p.m.