

## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

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**DAVID R. CAREY**  
**BOROUGH MAYOR**

### **M E M O R A N D U M**

**TO:** Gary Knopp, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:**  David R. Carey, Borough Mayor

**FROM:**  Max J. Best, Planning Director

**DATE:** February 15, 2011

**SUBJECT:** Ordinance 2011-02; An Ordinance extending the sunset provision of Ordinance 2009-09 (Substitute) and Ordinance 2010-17 regulating Flood Hazard areas in the Seward-Bear Creek Flood Service Area.

The Planning Commission reviewed the subject Ordinance during their regularly scheduled February 14, 2011 meeting. A motion passed by unanimous consent to recommend approval of the ordinance.

In the Ordinance, please make the following amendment to the last WHEREAS:

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of February 14, 2011 recommended approval.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

- 2. Ordinance 2011-02; An Ordinance extending the sunset provision of Ordinance 2009-09 (Substitute) and Ordinance 2010-17 regulating Flood Hazard areas in the Seward-Bear Creek Flood Service Area.

Memorandums & Staff Report reviewed by Max Best

PC Meeting: 2/14/2011

This ordinance extends Ordinance 2009-09(Substitute) as amended by Ordinance 2010-17 based on the understanding that the Seward Mapped Flood Data Area (SMFDA) was established by the Kenai Peninsula Borough assembly pending the Federal Emergency Management Agency's (FEMA) completion of new Digital Flood Insurance Rate Maps (DFIRMs) for the Seward area. Once FEMA presents the new maps, the Kenai Peninsula Borough (KPB) will have six months to adopt them by code. The final DFIRMs have not yet been provided by FEMA.

The DFIRM data are used to identify flood prone areas for KPB's participation with the National Flood Insurance Program (NFIP). The borough's participation in NFIP benefits its residents in many ways including federal disaster relief, increased availability of federal grants, access to federally insured or guaranteed loans, education and outreach, and lowered flood insurance premiums, to name some.

The SMFDA was based upon combined data from three known major flooding events (1986, 1995, and 2006) in the Seward area. Evidence in this data showed flooding extents that are greater than the existing DFIRM data, which was developed for the 1981 maps presently used under the NFIP. Given that flooding has repeatedly occurred in the Seward-Bear Creek Flood Service Area to a greater extent than shown in the existing DFIRMs, the assembly adopted the SMFDA as a recommendation from the Seward-Bear Creek Flood Service Area Board and from the KPB Planning Commission, as well as the Kenai Peninsula Borough Floodplain Task Force.

This ordinance will extend the sunset of the SMFDA until the new DFIRMs are provided by FEMA and adopted by the assembly, at which time the SMFDA will automatically expire unless the sunset date is altered or extended by the assembly. Shortened hearing is necessary as the ordinance is currently scheduled to sunset on March 4, 2011.

END OF MEMORANDUM

**MOTION:** Commissioner Parker moved, seconded by Commissioner Lockwood to recommend approval of Ordinance 2011-02, an Ordinance extending the sunset provision of Ordinance 2009-09 (Substitute) and Ordinance 2010-17 regulating Flood Hazard areas in the Seward-Bear Creek Flood Service Area.

Commissioner Parker asked what the timeline was when the maps would be released. Mr. Bevington replied that the last documentation he received stated that the maps would be released by the end of June. The Assembly would then have six months to approve those maps.

Commissioner Parker welcomed Mr. Bevington back to the Borough Planning Department.

**VOTE:** The motion passed by unanimous consent.

BRYSON ABSENT	CARLUCCIO ABSENT	COLLINS ABSENT	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	PARKER YES	RUFFNER YES	TAURIAINEN YES	10 YES 3 ABSENT

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION AREA (KPB 21.18)

- 1. A conditional use permit pursuant to KPB 21.18 to install a 4-foot wide by 30-foot long elevated light penetrating walkway within the 50-foot Habitat Protection District of the Kenai River, in excess of the one-third rule established in KPB 21.18.071 (2)(c). A conditional use permit to install a second fish cleaning station within the Habitat Protection District.