



KENAI PENINSULA BOROUGH

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DAVE CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: David R. Carey, Borough Mayor *DR Carey*
Sue McClure, Assembly Member *SM*

DATE: March 25, 2010

SUBJECT: Ordinance 2010- 17 extending the sunset provision of Ordinance 2009-09 regarding flooding in the Seward Bear Creek area

This ordinance is the result of the Kenai Peninsula Borough Floodplain Task Force's final meeting of March 16, 2010. After reviewing and discussing Ordinance 2009-09, the task force recommended that the ordinance, which created the Seward Mapped Flood Data Area (SMFDA) and generated associated building requirements, be continued until March 4, 2011. The basis for this recommendation was in part that the Federal Emergency Management Agency (FEMA) is expected to complete the process of preparing new Federal Insurance Rate Maps which can be used to more accurately identify flood-prone areas. Once this occurs, the borough and the city of Seward will be in a better position to determine those areas that are truly flood prone and prioritize them based on risk. This ordinance would therefore extend the provisions of Ordinance 2009-09 until March 4, 2011.

Additionally, during the year that Ordinance 2009-09 was in effect, the Donald E. Gilman River Center and planning department recognized some provisions of Ordinance 2009-09 that needed to be revised, and recommended the amendments contained in Section 2 of this ordinance. KPB 21.06.045(B)(2) is added because (B)(1) did not provide for exemptions in the situations described in (B)(2) where it would be impossible to get a permit even if measures could be taken to assure the development would be reasonably safe. KPB 21.06.045(C)(1) failed to specify that the primary structure, which must be built at least two feet above the elevation, included the crawl space, the basement, and similar structures except the supports. Additionally, the prior version did not clarify that people could build garages below the base flood elevation provided that there were holes in the walls enabling floodwater to flow through. This ordinance clarifies that such structures may be built subject to the applicable standards in KPB 21.06.045(C)(3). Further, in paragraph D, the ordinance clarifies that developments in the SMFDA in the minimum flood corridor require a permit based on best management practices to minimize adverse impacts to the properties rather than being subject to the stringent

requirements of KPB 21.06.050(C) that prohibit all development, fill, additions, etc. unless a certified registered professional engineer certifies that no increase in flood levels would result from the development. Such a certification is virtually impossible to obtain in the Seward area.

Finally, the assembly adopted Resolution 2009-070, which authorized the administration to identify and pursue lands suitable for common land uses in the Seward-Bear Creek Flood Service Area away from flood hazard areas. This ordinance reinforces that provision and is accompanied by an administrative program as required by Resolution 2009-070. Your approval of this ordinance would be appreciated.