



KENAI PENINSULA BOROUGH

144 North Binkley St., Soldotna, Alaska 99669-7520
1-800-478-4441 • 907-262-4441

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Mike Navarre, Mayor *MN*

DATE: October 19, 2017

SUBJECT: Ordinance 2017-30, An Ordinance Authorizing the Negotiated Sale of a 60-Foot-Wide Strip of Land in the McBride Subdivision Near Seward to Dean Carl at Fair Market Value (Carpenter)

While the borough's Land Management Division has assisted the sponsor with processing the proposal to sell a parcel of land to Mr. Dean Carl, the administration is unable to support it in its present form. The concern is not with Mr. Carl's need to move his driveway which the borough could allow through grant of a driveway easement. The issue that the administration faces is that the proposed action of conveying land in the floodplain for the purpose of further residential development appears to be inconsistent with the goals of the All-Hazard Mitigation Plan ("Plan") which discourages development within the floodplain. Further, the proposed action is unmitigated. Section 2.2 of the Seward Bear Creek Flood Service Area Hazard Mitigation Plan seeks to reduce flood hazards in land use and subdivision actions. Conveying property for the purposes of further development of residential attributes and subdivision within an extremely active floodplain is contrary to the goal of reducing flood hazards.

In exchange for the land requested by Mr. Carl, the Land Management Division has sought to work with him to acquire a portion of his unbuildable land that is within floodway for preservation and flood service area use. Goal 6.7 of the Kenai Peninsula Borough's Comprehensive Plan promotes continued identification of floodplains and includes action items for the borough to work with property owners to minimize development impacts and offer developers incentives to establish conservation areas.

The administration believes that it would be better policy to balance development within the floodplain with protecting an area of floodway as a mitigation measure which is justified by the Plan. If the proposal is modified to include mitigation, it would be on better ground to receive support. Alternatively, Mr. Carl could be granted an easement by the borough to move his driveway. As it stands however, the proposal sets a precedent for negotiated conveyances that provide no net benefit or value to the public.