

E. NEW BUSINESS

- 1. Ordinance 2024-35: Amending KPB 21.06.030 General Provisions, to adopt the most recent FEMA Flood Insurance Study and associated flood insurance rate maps for the Kenai Peninsula Borough.**

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Robert Ruffner, Planning Director *RR*
Samantha Lopez, River Center Manager *SL*

FROM: Julie Hindman, Floodplain Administrator *JH*

DATE: November 21, 2024

SUBJECT: Ordinance 2024-____, Amending KPB 21.06 .030, General Provisions, to Adopt the Most Recent FEMA Flood Insurance Study and Associated Flood Insurance Rate Maps for the Kenai Peninsula Borough (Mayor)

The Kenai Peninsula Borough (KPB) has been a participating community in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) since 1986. The NFIP makes federal disaster insurance, federal hazard mitigation grants, federally-subsidized mortgages, and affordable flood insurance available within participating communities. A requirement of participating in the NFIP is that communities must adopt and regulate a Floodplain Management Program. KPB staff from the Donald E. Gilman River Center administers the KPB Floodplain Management Program. Participation within the NFIP requires adopting new Flood Insurance Rate Maps (FIRMs) when they become available, along with the supporting Flood Insurance Study (FIS). The Ordinance will adopt new FIRMs for 47 miles of the Kenai River, from the outlet of Skilak Lake to the Cook Inlet, effective February 28, 2025.

The majority of the current FIRMs for the Kenai River were created forty-three years ago, in 1981. Rivers are dynamic and can change the floodplain in that amount of time, so in 2020 KPB began working with FEMA to update the FIRMs for the Kenai River. For nearly five years, River Center staff has worked closely with FEMA through several technical reviews and, in conjunction with FEMA, held several public outreach events in an effort to accurately update the Kenai River FIRMs.

On August 28, 2024, FEMA issued its *Letter of Final Determination*, giving KPB six months to accept and adopt the new FIRMs or be suspended from the NFIP. If suspended, KPB and landowners in the floodplain would lose access to flood insurance, federally-subsidized mortgages, certain grant funds, and the ability to receive disaster relief funds. Losing access to these resources would have a profoundly negative impact on the residents of the KPB; therefore, River Center staff requests your support of the Ordinance.

Your consideration is appreciated.

Introduced by:	Mayor
Date:	12/03/24
Hearing:	01/21/25
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-XX**

**AN ORDINANCE AMENDING KPB 21.06.030, GENERAL PROVISIONS, TO ADOPT
THE MOST RECENT FEMA FLOOD INSURANCE STUDY AND ASSOCIATED
FLOOD INSURANCE RATE MAPS FOR THE KENAI PENINSULA BOROUGH**

- WHEREAS,** the Kenai Peninsula Borough (KPB) has had an accredited floodplain management program under the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) since 1986, which makes federal disaster insurance, federal hazard mitigation grants, federally-subsidized mortgages, and affordable individual homeowner flood insurance available within the KPB; and
- WHEREAS,** KPB’s continued participation in the NFIP is predicated upon continued good standing in that program; and
- WHEREAS,** KPB staff from the Donald E. Gilman River Center administers the Floodplain Management Program, which includes adopting Flood Insurance Rate Maps (FIRMs) and Flood Insurance Studies (FIS) when they become available; and
- WHEREAS,** the effective FIRMs for the Kenai River are 43 years old; and
- WHEREAS,** in May of 2020 FEMA began the process of remapping 47 miles of the Kenai River from Skilak Lake to Cook Inlet; and
- WHEREAS,** on June 22, 2023, KPB and FEMA representatives attended an open house at the Donald E. Gilman River Center to allow the public the opportunity to speak with floodplain specialists regarding the FIRMs; and
- WHEREAS,** on September 25, 2023, FEMA notified KPB that the public could appeal preliminary FIRMs between October 11, 2023, and January 9, 2024; and
- WHEREAS,** on October 2, 2023, KPB shared the appeal process on the Floodplain Management Program webpage and mailed this information to property owners affected by the revisions; and
- WHEREAS,** on August 28, 2024, FEMA finalized its determinations and informed KPB that KPB must adopt the new regulatory products by February 28, 2025, in order to remain in good standing in the NFIP; and

WHEREAS, direct mail notice of this ordinance as required by KPB 21.04.020 was sent to impacted property owners; and

WHEREAS, the Funny River Advisory Planning Commission, at its regularly scheduled meeting of December 11, 2024, recommended _____;

WHEREAS, the Planning Commission at its regularly scheduled meeting of December 16, 2024, recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 21.06.030(B)(1) is hereby amended to read as follows:

21.06.030. General Provisions.

- B. *Basis for Establishing Flood Hazard Areas.* Flood hazard areas are identified as follows:
1. By the areas of special flood hazard identified by the Federal Insurance Administration in the scientific and engineering report entitled "Flood Insurance Study" (FIS) for the Kenai Peninsula Borough, Alaska dated May 19, 1981, revised on July 5, 1983, December 6, 1999, September 27, 2013, [AND]October 20, 2016[.], and February 28, 2025. These areas are depicted on the effective Flood Insurance Rate Map (FIRM) and Digital Flood Insurance Rate Map (DFIRM) Panels. The map panels numbered 020012-1350 and 1700 have been deleted and the areas depicted by these panels are not subject to the terms of this chapter. Excluding these panels, the FIRMs are adopted by reference and declared to be a part of this chapter. The FIRMs are on file at the planning department. The best available information for flood hazard as outlined in KPB 21.06.040(C)(3) shall be the basis for regulation until a new FIRM or DFIRM is issued which incorporates the base flood plain data obtained pursuant to that section.

...

SECTION 2. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2025.

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:



**KENAI PENINSULA
Borough**

Donald E. Gilman River Center

A Division of the Planning Department

514 Funny River Road, Soldotna, AK 99669 | (P) 907-714-2460 | (F) 907-260-5992 | www.kpb.us

NOTICE OF PUBLIC HEARINGS

Owner

November 15, 2024

Attention

Mailing Address

Mailing City, State Zip Code

Parcel ID(s): Parcel Number

Public notice is hereby given that the Kenai Peninsula Borough (KPB) will be conducting public hearings on an Ordinance to amend KPB 21.06. The Ordinance will adopt the Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM), with the effective date of February 28, 2025. As an owner of property within the study boundaries, you are receiving this notice. Changes to the regulatory floodplain may mean that that updates to the regulations that apply to developments on your property may apply.

The new FIS and maps can be found on the online FEMA Flood Map Services Center at <https://msc.fema.gov/portal/home>. Additional information may be found at <https://www.kpb.us/river-center/agencies/kenai-river-flood-map-update>.

The Ordinance will be heard at several KPB public meetings. The schedule is as follows:

KPB Assembly Introduction, Tuesday, December 3, 2024, 6:00 p.m., or as soon thereafter as business permits, in the KPB Assembly Chambers, 144 N. Binkley Steet, Soldotna, Alaska. Written comments for this meeting must be received by 6:00 p.m. Tuesday, December 3, 2024 and may be mailed to Kenai Peninsula Borough Clerk, 144 N. Binkley St., Soldotna, Alaska 99669 or emailed to assemblyclerk@kpb.us.

KPB Planning Commission, Monday, December 16, 2024, 7:30 p.m., or as soon thereafter as business permits, in the KPB Assembly Chambers, 144 N. Binkley Street, Soldotna, Alaska. Written comments for this meeting must be received by 1:00 p.m. Friday, December 13, 2024 and may be mailed to Donald E. Gilman River Center, 514 Funny River Rd., Soldotna, Alaska 99669 or emailed to KenaiRivCenter@kpb.us.

KPB Assembly Public Hearing, Tuesday, January 21, 2025, 6:00 p.m., or as soon thereafter as business permits, in the KPB Assembly Chambers, 144 N. Binkley Steet, Soldotna, Alaska. Written comments for this meeting must be received by 6:00 p.m. Tuesday, January 21, 2025 and may be mailed to Kenai Peninsula Borough Clerk, 144 N. Binkley St., Soldotna, Alaska 99669 or emailed to assemblyclerk@kpb.us.

If you have any questions, please contact the River Center at (907) 714-2460 or KenaiRivCenter@kpb.us.



National Flood Insurance Program

What is the National Flood Insurance Program (NFIP)?

The NFIP is a federal program created by Congress to mitigate future flood losses. The program enacts and enforces floodplain management regulations and provides property owners and renters access to government-backed flood insurance policies.

Floodplain management regulations help keep residents safer, minimize property damage, and help build resilient communities. By employing wise floodplain management strategies, communities can protect against much of the devastating financial losses from flood disasters.

Why do communities participate in the NFIP?

Communities may choose to participate in the NFIP for various reasons, including:

- To make the community more resilient in the event of flooding;
- To protect residents against the risk of financial uncertainty that flooding can bring if flood insurance is not available;
- To allow residents to purchase flood insurance, thereby transferring the financial risk of flooding in exchange for an annual premium; and/or
- To receive flood disaster assistance in the community with Special Flood Hazard Areas (SFHAs), as federal agencies may not provide assistance unless the community participates in the program.
- To qualify for federal grant funding opportunities from U.S. Army Corps of Engineers (USACE) projects, HUD for Community Development Block Grants (CDBG), and from FEMA for Hazard Mitigation Grant Program (HMGP) funding, Public Assistance (PA) grant and Pre-Disaster Mitigation (PDM) Program.

National Flood Insurance Program

Benefits of the NFIP within the Kenai Peninsula Borough

The Kenai Peninsula Borough's participation with the NFIP has resulted in various forms of assistance to land owners and the borough for flood damages but also the ability to receive specific grant funds.

- Grants have been available to land owners in the past for repairs to septic systems and wells due to flood damages.
- Within the Kenai Peninsula Borough, there have been cities that have joined to help receive federal funds for specific projects. As an example, the City of Kenai was able to receive U.S. Army Corps of Engineers funds for their bluff stabilization project because they joined the NFIP.
- Funds can be secured to buyout properties that have reoccurring flood issues so that the properties can be used as discharge areas to protect other properties. Funds of this nature had previously been used in Seward for similar needs.
- Due to the Kenai Peninsula Borough and the Cities of Seward and Homer's participation in the NFIP, assistance was available to update the tsunami sirens in those towns.
- Currently, there are 160 NFIP policies with \$46,649,000 insurance listed for the Kenai Peninsula Borough. Over the years there has been 79 paid losses of \$604,846.72

Is community participation mandatory?

Community participation is typically voluntary unless the State requires participation as part of the state level floodplain management program. A community's participation can significantly affect current and *future* property owners in SFHAs.

Participation with the program requires the community adopt and enforce the federal regulatory requirements set forth by Federal Emergency Management Agency (FEMA), as the minimum regulations. The state or local government may adopt stricter requirements to further protect residents and their property.

National Flood Insurance Program

What does suspension or probation from the NFIP mean?

Probation. A FEMA-imposed change in a community's status resulting from violations and deficiencies in the administration and enforcement of NFIP local floodplain management regulations.

Probation will generally occur if attempts have been made by FEMA to work with a community to resolve enforcement problems. If attempts fail, FEMA may place the community on probation. There is a set time provided to allow the program deficiencies to be corrected, and violations to be remedied. Flood insurance is still available to property owners during probation, but there will be a surcharge added to each policy premium for at least one year.

Suspension. FEMA's removal of an NFIP participating community from the program because the community has not enacted and/or enforced the proper floodplain management regulations required for participation.

If a community fails to take measures during the probation period, the result may be suspension from the NFIP. If a community works to become compliant, FEMA may reinstate the community back into a probationary period. During a suspension, new flood insurance coverage cannot be purchased and policies cannot be renewed. Three-year policies become void at the end of the current policy year, with a pro-rata refund for the remaining policy term.

New or revised Flood Insurance Rate Maps (FIRMs)

Part of remaining in compliance with the NFIP is that the community must adopt new or revised FIRMs as they are made available from FEMA. Waterbodies are dynamic and constantly moving, and man-made developments may further impact how floodwaters move. Local communities work with FEMA to identify areas that need to be re-studied by utilizing new technology to create new FIRMs that better represent the actual flood risk. Communities work with FEMA, local stakeholders, and the public to ensure that new FIRMs are capturing those risks.

Once preliminary maps are completed, FEMA will provide public notices and opens an appeal period. After that process is complete, FEMA will notify the community, and provide a deadline that the new maps must be adopted by.

National Flood Insurance Program

Effects of suspension or withdrawal from the NFIP

A community may also desire to withdrawal from the NFIP as they no longer wish to enforce the federal minimum requirements for floodplain management. Non-participation may exclude property owners and the local community from receiving certain benefits, including:

- Federal grants, loans, disaster assistance, and federal mortgage insurance may not be available to property owners or the local community.
- No resident will be able to purchase a NFIP flood insurance policy.
- Existing flood insurance policies will not be renewed.
- No federal grants or loans for development may be made in identified flood hazard areas under programs administered by federal agencies such as HUD, EPA, and SBA.
- No federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- No federal mortgage insurance or loan guarantees may be provided in identified flood hazard areas. This includes policies written by FHA, VA, and others.
- Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas that there is a flood hazard and that the ability to receive federal disaster relief will be impacted.
- Communities that do not participate in the NFIP may face significant impacts on funding eligibility for disaster assistance programs, including the unavailability of grants, limited federal aid for home repairs in flood-prone areas, and restrictions on loans for repairs related to flooding or located in SFHAs.

Summary

The decision to participate within the NFIP should be made with full awareness of the ramifications of either choice and should not be taken lightly. Once within the NFIP, being aware of the impact, not only on individuals but local government and organizations, that will limit the availability of federal grants and funding needs to be considered.

It should be noted that communities, especially large communities, that fail to remain in good standing with the NFIP program, do not only impact certain portions of the community. Failure to adopt new maps for one specific area will result in impacts for all areas within the community.

National Flood Insurance Program

Not upholding floodplain management requirements for a development can result in a probation or suspension for the entire community not just that specific portion.

What if a community or property owner does not agree that their property is within the SFHA or that maps are incorrect for their property? FEMA does allow the public to submit map revisions and amendments. However, the party petitioning for the change must submit scientific data to support the claim for FEMA to review. This method allows for areas to be re-mapped without risk of NFIP suspension or probation.



This document was compiled by the Kenai Peninsula Borough River Center based on information provided by the following:

- *National Flood Insurance Program: Answers to Questions about the NFIP*, FEMA, May 2023, F-084
- Code of Federal Regulations
- [fema.gov](https://www.fema.gov)
- [floodsmart.gov](https://www.floodsmart.gov)



Federal Emergency Management Agency

Washington, D.C. 20472

August 28, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Peter A. Micciche
Mayor, Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669

Community Name: Kenai Peninsula
Borough,
Alaska
Community No.: 020012
Map Panels Affected: See FIRM Index

Dear Mayor Micciche:

This is to notify you of the final flood hazard determination for Kenai Peninsula Borough, Alaska and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the {Revised} Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on February 28, 2025. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3 (d) and (e) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the

regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d) and (e);
2. Adopting all the standards of 44 CFR Part 60.3(d) and (e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d) and (e).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) and (e) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These

files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Harmony Curtis, NFIP State Coordinator for Alaska by telephone at (907) 269-7085. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region 10 at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.
Director, Engineering and Modeling Division
Risk Management Directorate | Resilience

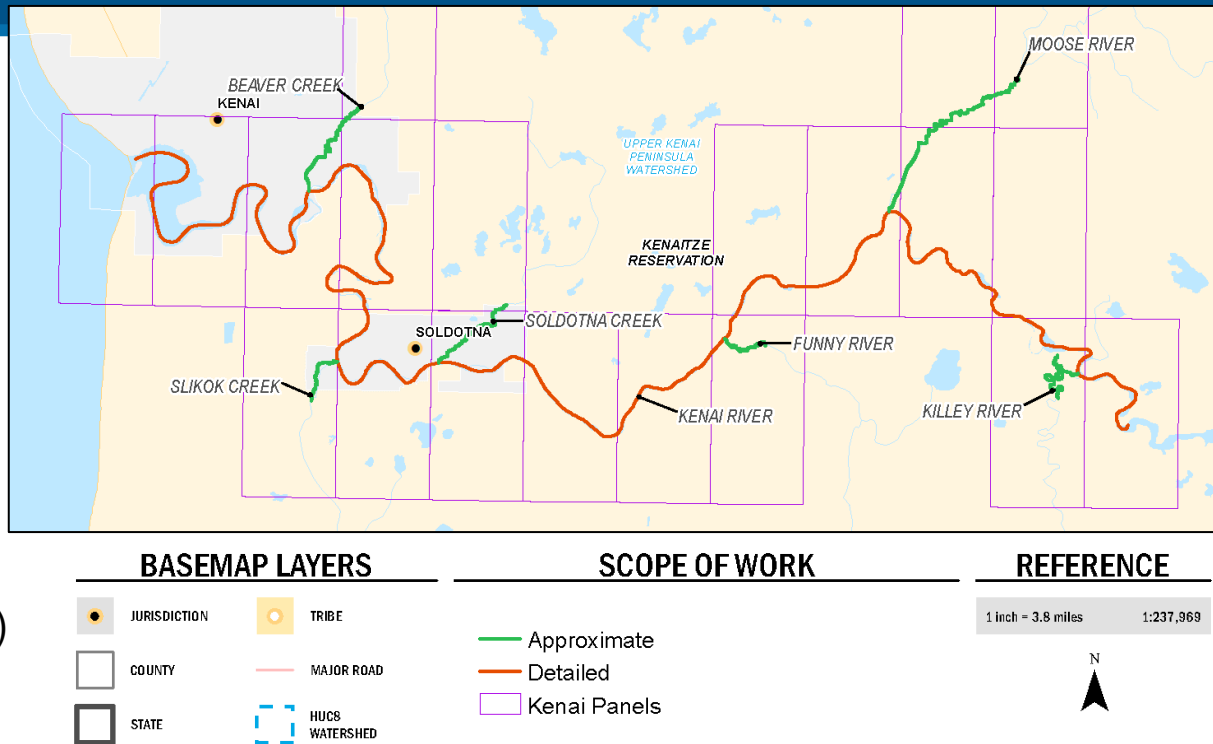
Enclosure:
Final SOMA

cc: Community Map Repository
Julie Hindman, Floodplain Management Planner, Kenai Peninsula Borough

SCOPE OF WORK

This study covered:

- Detailed streams.
 - Kenai River (47.3 mi.)
- Approximate streams.
 - Beaver Creek (3.3 mi.)
 - Funny River (1.7 mi.)
 - Killey River (2.7 mi.)
 - Moose River (6.0 mi.)
 - Slikok Creek (1.8 mi.)
 - Soldotna Creek (3.1 mi.)



Map showing the extent of the study completed in Kenai Peninsula Borough.



FEMA

RiskMAP
Increasing Resilience Together