

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Peter A. Micciche , Borough Mayor

FROM: Robert Ruffner, Planning Director *RR*

DATE: December 18, 2024

RE: 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

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled December 16, 2024 meeting.

A motion passed by majority vote (6 Yes, 1 No, 1 absent) to recommend approval of Ordinance 2024-35.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM E. NEW BUSINESS

Chari Brantley asked Administrative Assistant Ann Shirnberg to read the hearing procedures into the record.

ITEM #1 – ORDINANCE 2024-35

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.

Staff report given by Planner Julie Hindman.

Chair Brantley opened the item for public comment.

The following individuals spoke in opposition to adopting this ordinance, requesting to delay the adoption of the new FEMA flood maps referencing the 15 Questions & Concerns document submitted in the desk packed :

- Ted Wellman; 34593 Cranberry Circle, Sterling AK 99672
- Frank Turpin; 34505 Chinook Run Drive, Sterling AK 99672
- Todd Moore; 39541 Balderdash Circle, (POB 4152, Soldotna AK 99669)
- Michael Agin; 34860 Chinook Run Drive, Sterling AK 99672
- Khai Harbut; 35664 Snag Circle (POB 3363, Soldotna AK 99669)
- Matt Fagnani; 2559 Loussac Drive, Anchorage AK

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Fikes to forward to the Assembly a recommendation to adopt Ordinance 2024-25, 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

Commissioner Epperheimer expressed support for several of the concerns expressed by the public, particularly the costs and the process associated with challenging a FEMA determination. He believes most members of the public do not have the means to be able to stand up to the federal government on this issue. He doesn't want to see the whole borough get kicked out of the FEMA program as it would drastically affect many residents in the borough, but he would like to see the public's concerns addressed. Commissioner Epperheimer then encouraged those in attendance to focus their energy and efforts towards the Assembly as they are the ones who will be responsible for making the final decision.

Commissioner Brantley asked staff what is the deadline that the borough has to adopt this new study. Planner Hindman replied that the deadline is February 28, 2025. Commissioner Brantley then asked if the borough doesn't adopt the new study and is suspended how long would the suspension be. Planner Hindman replied that at minimum it would be a year. That would mean current FEMA flood insurance policies held by members of the public, would not be renewed during the suspension. To become reestablished with FEMA would then require that the borough be on probation for one year. During that probation period anyone who holds a FEMA flood insurance policy will have an additional surcharge against the policy. In short it would take at least two years to get back into a good standing with FEMA should we be suspended. Commissioner Brantley then stated he will be voting in favor of recommending that the assembly adopt this ordinance. He understands in situations like this there will always be a certain portion of the population that will disagree with the outcome of the study. He feels that it will be prudent for the borough to stay compliant with FEMA.

Commissioner Fikes noted she supports adopting the FEMA Flood Insurance Study. She stated the City of Kenai went through this process a while ago. At the time there were a number of members of the public that spoke against the study and the city actually did vote it down. The city then experienced blow back from the community on opportunities that were missed related to flooding in the VIP and Karluk areas. There were a lot of constituents that were negatively affected. Whether it was issues with home mortgage loans or not being able to apply for disaster funds, folks were hurt. When it came back around again later the city elected to adopt it.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASS BY MAJORITY VOTE:

Yes - 6	Brantley, Fikes, Morgan, Slaughter, Whitney, Venuti,
No - 1	Epperheimer
Absent - 1	Gillham

**ITEM 2 – ~~CONDITIONAL USE PERMIT MODIFICATION~~
~~LOT 4B COAL CREEK COUNTY ESTATES TRUJILLO ADDITION &~~
~~TRACT A COAL CREEK COUNTRY ESTATES SUBDIVISION ADDITION NO. 6~~**

PC Resolution Number:	2024 18
Planning Commission Meeting:	December 16, 2024
Applicant / Owner:	SOA, Department Of Natural Resources
Physical Address:	26035 & 25951 Williamson Lane
Parcel ID Number	13332039 & 13354004
Legal Description	Coal Creek Country Estates Trujillo Addition Lot 4B & Coal Creek Country Estates Subdivision Addition No. 6 Tract A
General Location:	Kasilof Area

~~Staff report given by Planner Morgan Aldridge.~~

~~Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.~~

~~MOTION: Commissioner Whitney moved, seconded by Commissioner Epperheimer to adopt Planning Commission Resolution 2024 18, granting a conditional use permit pursuant to KPB 21.18 for the construction of a concrete pad withing the 50 foot Habitat Protection District of the Kasilof River.~~

~~Hearing no objection or further discussion, the motion was carried by the following vote:~~

~~MOTION PASSED BY UNANIMOUS VOTE:~~

Yes 7	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Whitney, Venuti,
Absent 1	Gillham

**ITEM #3 – ~~BUILDING SETBACK ENCROACHMENT PERMIT~~
~~LOT 5A BLOCK 1 CLAN MAXWELL ESTATES AVALON HEIGHTS ADDITION #4~~
~~PLAT SW 2018-05~~**

KPB File No.	2024 127
Planning Commission Meeting:	December 16, 2024
Applicant / Owner:	Nickole D. Lyon and David F. Lyon, Jr. of Seward, Alaska
Surveyor:	Stacy Wessel – AK Lands, Land Surveying LLC
General Location:	Bear Creek Area
Parent Parcel No.:	144 010 74
Legal Description:	CLAN MAXWELL ESTATES AVALON HEIGHTS ADDN #4, LOT 5A. SW 2018005
Assessing Use:	Residential Dwellings
Zoning:	Unrestricted
Resolution	2024 21

~~Staff report given by Platting Manager Vince Piagentini.~~

~~Chair Brantley opened the item for public comment.~~