

21 November 2017

Honorable President Ogle and Assembly members,

I write in support of Ordinance 2017-30, a fair market transfer of real property to Dean Carl. As Assembly member for District 6 through the formation of the Seward Bear Creek Flood Service Area and chair of the 2009-2010 Flood Plain Task Force I am familiar with the issues in some detail, and with the subject parcels.

The packet materials from the Planning Commission suggest only a brief discussion by commissioners based, in the absence of specific answers to some of the few questions asked, on speculation and deference to the local member's generalized direction. Permits are in fact required by the Borough for development within the floodplain (KPB 21.06 – Floodplain Management). The permit application is the Borough's tool to ensure that development within the floodplain is done correctly, i.e. that it has the benefit of engineering principles that take into account the base flood elevation and that through engineering verification can demonstrate the activity will not cause adverse effects to other properties ("no-rise" certificate). This is the permit Mr. Carl has done the work to acquire and refers to in the PC packet, but the unapproved minutes ignore this and fall back to "no permits required in the Borough"; this is not a factual statement.

Administration comments that the project is not supported in the All Hazard Mitigation Plan are correct as far as the go, but are generic and short on detail, in part due to the different approaches to "development" in the Plan and the Code sections relevant to floodplain development. "Development" is not just residences and structures as envisioned in the HMP, but includes dredge, fill, stockpiling and a host of other activities that have potential to alter flood patterns and consequences. Development within the floodplain as defined by the Code is not only desirable but in some cases unavoidable, otherwise we wouldn't have bridges, levees, abutments, roads and driveways, etc.

The point here is that to perpetuate a safety concern for not just the applicant but everyone traveling that piece of highway, in order to generically preserve an (AHMP) objective, and ignore means that can be specifically met by applying the engineering standards in the floodplain code does justice to neither, and cannot claim to serve the public interest. Please enact this ordinance and clear a path for a safety feature that will comply with the Borough's required development standards, demonstrably not increase flood probability, and can serve the purposes of both Code and Plan.

If further mitigation is judged necessary to meet and AHMP objective (and I believe not) the Assembly could direct administration to negotiate a conservation easement along an eastern edge of both affected parcels. If this is a major concern the Borough could also dedicate the remaining KPB acreage into a similar classification.

Thank you for your consideration,

Ron Long
Seward