



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

**DAVID R. CAREY
BOROUGH MAYOR**

MEMORANDUM

TO: Milli Martin, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DR Carey* David R. Carey, Borough Mayor

FROM: *MB* Max J. Best, Planning Director

DATE: February 25, 2009

SUBJECT: Ordinance 2009-04; Amending KPB Chapter 20.20, Subdivision Design Requirements to Require a Minimum Width of 60 feet for Platted Lots.

The Planning Commission postponed action again on the subject ordinance during their regularly scheduled February 23, 2009 meeting. A motion to postpone action until brought back by staff (tentatively scheduled for the March 9, 2009 Planning Commission meeting) passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

5. Ordinance 2009-04; Amending KPB Chapter 20.20, Subdivision Design Requirements to Require a Minimum Width of 60 feet for Platted Lots. **(Postponed from February 9, 2009)**

Staff Report given by Max Best

PC Meeting: 2/23/09

At the last Assembly meeting, Assembly person Martin asked that this be postponed until March 24, 2009 Assembly meeting.

In reviewing plats to which this ordinance would be applicable, staff discovered the ordinance may increase the number of exception requests. Therefore, staff has requested the following amendments to accomplish the same goal of eliminating the access portions of flag lots being inadequate to accommodate further subdivision and traffic. The following amendments are requested:

- Add a new Section 1 as follows:

SECTION 1. That KPB 20.08/063 is hereby enacted to read as follows:

"Flag lot" means a lot with two discernible portions, one a building site portion not fronting on or abutting a street and the second portion abutting on the street and providing private access to the building site portion.

- Renumber original Section 1 to Section 2 and amend as follows:

SECTION 2. That KPB 20.20.180 is hereby amended as follows:

20.20.180. Lots—Dimensions.

A. The size and shape of lots shall be such as to provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Lots shall not be less than 60 feet wide on the building setback line. ~~Any lot that is capable of further subdivision shall also not be less than 60 feet wide from the point where the lot abuts the dedicated street to the building setback line.~~ The minimum depth shall be no less than 100 feet, and the depth shall be no greater than 3 times the width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion that is less than 60 feet wide shall be subject to a plat note that the lot shall not be further subdivided.

- Renumber original Sections 2 and 3 to Section 3 and 4.

STAFF RECOMMENDATIONS: Staff recommends the Planning Commission recommend enactment of Ordinance 2009-04 as amended.

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Foster moved, seconded by Commissioner Isham to pull the motion off the table and put it on the floor for discussion.

VOTE: The motion passed by unanimous consent.

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| BRYSON YES | CARLUCCIO ABSENT | COLLINS ABSENT | FOSTER YES | GROSS ABSENT | ISHAM YES | JOHNSON YES |
| LOCKWOOD YES | MARTIN YES | MCCLURE YES | MURPHY ABSENT | PETERSEN ABSENT | TAURIAINEN YES | 8 YES 5 ABSENT |

Commissioner Foster asked if an owner would be required to widen a flag lot to 60 feet if the owner wanted to further subdivide so that it would be a legal lot. Mr. Best replied that was correct.

Commissioner Johnson asked staff if the surveyors were more supportive of the amended language. Mr. Best understood that the surveyors were much more receptive of the amendments. He thought Mr. Imhoff did not have a problem with not being able to subdivide further if the flag lot was not wide enough. His problem was not allowing flag lots at all unless they were 60 feet.

Commissioner Johnson appreciated Assembly person Martin and staff's work on this ordinance.

Commissioner McClure asked that the motion be stated. Ms. Hartley restated the motion that was on the floor.

RESTATED MOTION: Commissioner Gross moved, seconded by Commissioner Isham to recommend enactment of Ordinance 2009-04 amending KPB Chapter 20.20 Subdivision Design Requirements to require a minimum width of 60 feet for platted lots.

Commissioner Johnson supported the ordinance with the amendments. Chairman Bryson asked if there was a possibility that more amendments could be made to the ordinance. Mr. Best replied yes there could be more amendments so it would be advisable to postpone action to the next meeting.

AMENDMENT: Commissioner Johnson moved, seconded by Commissioner Isham moved to postpone action until brought back by staff.

AMENDMENT VOTE: The motion passed by unanimous consent.

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| BRYSON YES | CARLUCCIO ABSENT | COLLINS ABSENT | FOSTER YES | GROSS ABSENT | ISHAM YES | JOHNSON YES |
| LOCKWOOD YES | MARTIN YES | MCCLURE YES | MURPHY ABSENT | PETERSEN ABSENT | TAURIAINEN YES | 8 YES 5 ABSENT |

AGENDA ITEM F. PUBLIC HEARINGS

- Ordinance 2009-09; Creating a Flood Hazard District, outside the Flood Insurance Rate Map area, within the Seward-Bear Creek Flood Service Area to include the 1986, 1995 and 2006 KPB GIS Mapped Flood Data Areas (**Postponed from February 9, 2009**)

Staff Report given by Max Best

PC Meeting: 2/23/09

Assembly member Long presented a substitute amendment to Ordinance 2009-09 at the last Assembly meeting. A copy of the substitute ordinance was included in the Planning Commission mail out packet.

The purpose of this ordinance came from the concern of people getting into the streams with their equipment which was causing damage and creating problems. It was not meant to prohibit people from constructing.

It has been limited to the lot to where construction needs to be done and construction would need to be two feet above the highest point of the lot. The ordinance does not allow any work to be in the streams.

There is a sunset clause within the substitute ordinance which would be in effect until the task force could meet and come up with more definitive rules for work within the Seward area.