

Introduced by:	Mayor
Date:	04/21/09
Hearing:	05/19/09
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-27**

**AN ORDINANCE DELEGATING LIMITED PLATTING POWERS TO KACHEMAK
CITY FOR THE PURPOSE OF REGULATING MINIMUM LOT SIZE WITHIN
KACHEMAK CITY LIMITS**

- WHEREAS,** the City of Kachemak would like the authority to restrict lot sizes within city limits to a minimum of 40,000 square feet; and
- WHEREAS,** such a restriction can be accomplished through subdivision regulation; and
- WHEREAS,** AS 29.40.010(A) states that first and second class boroughs shall provide for platting on an areawide basis; and
- WHEREAS,** AS 29.40.010(b) allows the assembly to delegate any borough power or duty to a city, providing the city consents by ordinance to the delegation; and
- WHEREAS,** Kachemak City residents voted 87 to 26 in favor of an advisory proposition on the October 2, 2007, general election ballot asking residents if they agreed to instruct the Borough to enact a minimum lot size in the City of 40,000 square feet regardless of public sewer or water availability; and
- WHEREAS,** public comment was received and public hearings were held by Kachemak City on the lot size restriction between July 2007, and January 2009; and
- WHEREAS,** AS 29.40.040 provides that land use regulations shall be made in accordance with a comprehensive plan adopted by the assembly; and
- WHEREAS,** on January 14, 2009, the Kachemak City Council enacted Ordinance 2008-04, adopting the Kachemak City Comprehensive Community Plan and recommending adoption of the plan by the Kenai Peninsula Borough Assembly; and
- WHEREAS,** on April 7, 2009, the Kenai Peninsula Borough Assembly enacted Ordinance 2009-13, "Adopting the Kachemak City Comprehensive Community Plan as the Official Comprehensive Plan for That Portion of the Borough Within the Boundaries of the City of Kachemak"; and

WHEREAS, on April 15, 2009 the Kachemak City Council held a public hearing on Resolution 2009-02, requesting a delegation of limited platting powers from the Kenai Peninsula Borough and recommended enactment; and

WHEREAS, at its meeting of April 26, 2009, the Kenai Peninsula Borough Planning Commission recommended enactment by unanimous consent;

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


SECTION 1. That a limited platting power consisting of the authority to adopt a subdivision regulation which establishes a minimum lot size within the city is hereby delegated to Kachemak City.

SECTION 2. That this ordinance takes effect upon the adoption of an ordinance by the Kachemak City Council consenting to this delegation.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MAY, 2009.


Billie Martin, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin
No: None
Absent: None