



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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**DAVID R. CAREY
BOROUGH MAYOR**

MEMORANDUM

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

THRU:  David R. Carey, Borough Mayor

FROM:  Max J. Best, Planning Director

DATE: May 28, 2009

SUBJECT: Ordinance 2009-30; An ordinance establishing criteria for plat notes and providing a flood-prone plat note for the Seward Mapped Flood Data area and Flood Insurance Map area.

The Planning Commission reviewed the subject ordinance during their regularly scheduled May 26, 2009 meeting. A motion to recommend adoption of the ordinance passed by unanimous consent.

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

AGENDA ITEM F. PUBLIC HEARINGS

- 3. Ordinance 2009-30; An ordinance establishing criteria for plat notes and providing a flood-prone plat note for the Seward Mapped Flood Data area and Flood Insurance Map area.

Memorandum reviewed by Max Best

PC Meeting: 5/27/09

The Flood Plain Task Force has been developing ways in which to educate residents about where flood hazard areas are located in the applicable regulations in those hazard areas. The task force developed a plat note advising potential buyers and developers that the property is in a flood hazard area which it recommends including in KPB 21.20.2760.

Also included in the ordinance is a general authorization and guidelines for placing notes on plats. While the borough has placed notes on plats in the past, it is advisable to have guidelines regarding the same. The ordinance provides that there must be a borough purpose, i.e., that the plat note is in accord with or would promote a borough law or state law governing the borough. Examples of appropriate plat notes include notices regarding access or borough road maintenance issues, notices regarding property being within a local option zone, and a flood hazard notification such as the notice included in this ordinance.

Your consideration of this ordinance is appreciated.

END OF MEMORANDUM

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 Petersen moved, seconded by Commissioner Murphy to recommend adoption of Ordinance 2009-30.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON YES
LOCKWOOD ABSENT	MARTIN ABSENT	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN YES	10 YES 3 ABSENT

AGENDA ITEM G. ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18) - None

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None

AGENDA ITEM I. SPECIAL CONSIDERATIONS

- 1. Removal of the Restriction of Note 3 from Sprucewood Glen Sub. 2009 Replat Spur Sub. Number One; KPB File 2009-060; KPBPC Resolution No. 2009-13; Location: City of Kenai

Staff Report reviewed by Max Best

PC Meeting: 5/26/09

Action to be considered: Removal of the restriction of Plat Note 3 from Spur Subdivision Number One (Plat 78-106) which will result in removal of the requirement that the note be carried forward on Sprucewood Glen Subdivision 2009 Replat (KPB File 2008-035):

Note 3: Lot 1 as shown hereon is reserved for a buffer strip to screen this subdivision from the residential area east of First Avenue, and is not intended for development.

Petitioners: Kenai Peninsula Borough at the request of the City of Kenai.