

Introduced by: Long, Mayor at the Request of
the Flood Plain Task Force
Date: 05/19/09
Hearing: 06/16/09
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
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 RATE MAP AREA**

WHEREAS, plat notes provide a beneficial consumer protection service in advising the public about important issues such as flooding, access, and development restrictions; and

WHEREAS, Ordinance 2009-05 formed the Seward Mapped Flood Data Area (“SMFDA”) requiring permits in flood hazard areas outside the Flood Insurance Rate Map (“FIRM”) area in the Seward-Bear Creek Flood Service Area (“SBCFSA”); and

WHEREAS, there should be restrictions on the type of plat notes that can be placed on a plat to ensure that the borough or another governmental entity can enforce the same; and

WHEREAS, the Flood Plain Task Force considered this ordinance at its April 29, 2009 meeting and recommended enactment without objection; and

WHEREAS, the planning commission considered this ordinance at its May 26, 2009 meeting and recommended enactment by unanimous consent; and

WHEREAS, the SBCFSA considered this ordinance at its June 1, 2009 meeting and recommended enactment by unanimous consent;

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

SECTION 1. That KPB 20.16.145 is hereby enacted as follows:

20.16.145. Plat notes.

Plat notes shall not be placed on a final plat unless required by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

SECTION 2. KPB 20.20.260 is hereby amended as follows:

20.20.260. Flood plain requirements.

A. All subdivision plats which are within areas where the flood plain has been identified by [THE ARMY CORPS OF ENGINEERS] FEMA, and which involve 50 lots or 5 acres whichever is lesser, shall include base flood elevation data and delineate the area involved within the flood plain on the plat.

B. All subdivisions or replats within the FIRM area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note or a substantially similar note:

FLOOD PRONE NOTICE: Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough as a flood hazard area district as of the date this plat is filed with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations.

C. Each plat within a city which has met the requirements of this section shall contain the following statement: "The first finished and habitable floor of a building constructed within a flood plain shall be built at or above the 100-year flood level."

[C]D. This section applies to all cities which adopt a resolution requesting participation in the program and which are subsequently recognized by the state as participants.

[D]E. A city which wishes greater restrictions than those contained in subsection A may do so by passing a more restrictive ordinance as a part of their building code.

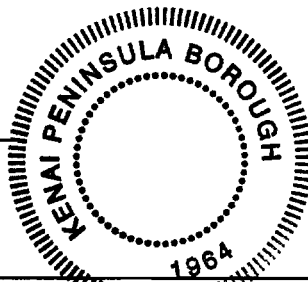
SECTION 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF JUNE, 2009.


Milli Martin, Assembly President

ATTEST:


John Blankenship, Borough Clerk



Yes: Fischer, Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin

No: None

Absent: None