

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Bill Elam, Assembly Member *BE*

DATE: September 28, 2023

SUBJECT: **Elam** Amendment to Substitute Ordinance 2022-36, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Conditional Land Use Permits and Material Site Permits, Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions (Johnson, Chesley)

This amendment strikes the reference to the mapped tsunami hazard zone on KPB 21.29.050(A)(2)(e). The tsunami maps are a moving target that continuously change. The Borough does not regulate septic systems or other industrial uses within mapped tsunami hazard zones. If the Borough desires to regulate mapped tsunami hazard zones it should do so in a more comprehensive and deliberate manner.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ **Amend KPB 21.29.050(A)(2)(e) as follows:**

21.29.050. Permit conditions applicable to all permits.

A. The planning commission or planning director, as applicable, must impose the following mandatory conditions prior to approval of a permit under this chapter:

...

2. Water source separation.

...

~~[e. ALL PERMITS MUST INCLUDE A CONDITION PROHIBITING MATERIAL EXTRACTION INSIDE THE BOUNDARIES OF A MAPPED TSUNAMI HAZARD ZONE WITHIN 500 LINEAR FEET OF ANY EXISTING PRIVATE OR PUBLIC DRINKING WATER SOURCE EXCEPT FOR MATERIAL SITES WHERE THE FLOOR IS HIGHER THAN THE SURROUNDING GROUND IN AT LEAST ONE DIRECTION.]~~

Your consideration is appreciated.