

Introduced by: Mayor  
Date: 04/04/23  
Hearing: 05/02/23  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-09**

**AN ORDINANCE AMENDING KPB 21.04.020 TO CLARIFY REQUIRED NOTICE TO  
PROPERTY OWNERS WITHIN A ZONING DISTRICT WHEN THERE IS A  
PROPOSAL TO CHANGE THE DISTRICT BOUNDARY**

**WHEREAS**, the Donald E. Gilman River Center (the “River Center”) administers the Kenai Peninsula Borough (the “Borough”) Floodplain Management Program; and

**WHEREAS**, the Borough must periodically update its regulatory floodplain maps, called Flood Insurance Rate Maps (“FIRMs”); and

**WHEREAS**, River Center staff have been working closely with the Federal Emergency Management Agency to update the Kenai River FIRMs, and are nearing the public outreach phase of the project; and

**WHEREAS**, KPB 21.04.020 sets public noticing requirements for proposed changes to zoning district boundaries; and

**WHEREAS**, KPB 21.04.020 is unclear and could be interpreted to mean that properties in all floodplains across the Borough must be mailed public notice regarding the proposed changes to the Kenai River floodplain; and

**WHEREAS**, this ordinance clarifies public notices would only be sent to directly-affected properties, saving at least \$6,000.00 over the course of the Kenai River FIRM project; and

**WHEREAS**, the Borough Planning Commission, at its regular meeting of April 10, 2023, recommended approval by unanimous consent;

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

**SECTION 1.** That KPB 21.04.020 is hereby amended as follows:

**21.04.020. Notification of proposed zoning district creation or change and hearing.**

- A. When a public hearing is to be held by the Assembly concerning the creation, amendment, or abolishment of a zoning district other than the rural district, a notice containing the following information shall be published at least twice in a newspaper of general circulation in the subject zoning district during each of the [2] two calendar weeks prior to the public hearing date. Additionally, a copy of the notice [SHALL] will be mailed to all real property owners of record [ON THE BOROUGH ASSESSOR'S RECORDS OF] whose property is located in the specific district where the district boundaries overlaying that property are proposed to be created, amended, or abolished. If the subject district is an overlay district this notice by mail requirement [SHALL] will not apply to owners of property in other districts that [IS] are not located in the subject overlay district.

...

**SECTION 2.** That this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF MAY, 2023.**

  
Brent Johnson, Assembly President

ATTEST:

  
Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson

No: None

Absent: Derkevorkian