

E. NEW BUSINESS

7. Ordinance 2023-XX: Amending borough code, 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.

Kenai Peninsula Borough

Donald E. Gilman River Center

MEMORANDUM

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

THRU: Peter Micciche, Mayor *PAM*
Robert Ruffner, Planning Director *RR*

FROM: Samantha Lopez, River Center Manager *Sl*

DATE: March 23, 2023

RE: Ordinance 2023-____, 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 (Mayor)

The Donald E. Gilman River Center (the “River Center”) administers the Kenai Peninsula Borough (the “Borough”) Floodplain Management Program. One facet of this program is that KPB periodically updates its regulatory floodplain maps, called Flood Insurance Rate Maps (“FIRMs”). The current FIRMs for the Kenai River were drafted in the late 1970’s, adopted in 1981, and are woefully outdated. River Center staff have been working closely with the Federal Emergency Management Agency (“FEMA”) to update the Kenai River FIRMs, and are nearing the public outreach phase of the project.

Because these updated FIRMs will amend the zoned boundaries of the Kenai River floodplain, River Center staff must follow the public noticing requirements in KPB 21.04.020. This section of code is unclear, and could be interpreted to mean that properties in all floodplains must be mailed a public notice regarding the proposed changes to the Kenai River floodplain. This would result in over 8,100 properties receiving notice when the changed boundaries will only affect 4,000 Kenai River properties.

Not only will this amendment avoid sending thousands of notices to unaffected properties, but it will also save the Borough at least \$6,000.00 over the course of the Kenai River FIRM project.

Your consideration is appreciated.

Introduced by: Mayor
Date: 04/04/23
Hearing: 05/02/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-**

**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 _____.

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 _____ DAY OF _____, 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Acting Borough Clerk