

Introduced by: Local Affairs/Lands
(Lands Special Sub-committee)
Date: 4/21/92
Postponed indefinitely: 5/05/92
Request to place on next agenda:
5/19/92
Amended: 6/02/92
Defeated: 6/02/92
Vote: 5 yes, 9 no

**KENAI PENINSULA BOROUGH
RESOLUTION 92-50**

**A RESOLUTION ESTABLISHING A CONSENSUS OF THE POLICY TO BE
FOLLOWED IN DEVELOPING THE NEW LANDS ORDINANCE
UNDER CONSIDERATION BY THE LANDS SPECIAL SUBCOMMITTEE**

WHEREAS, the Assembly of the Kenai Peninsula Borough has expressed the desire to develop a new lands ordinance; and

WHEREAS, the Assembly President designated a Lands Special Subcommittee to develop a new ordinance proposal for submittal to the assembly; and

WHEREAS, the new ordinance will be comprehensive and lengthy; and

WHEREAS, the subcommittee is deadlocked on several issues concerning the policy considerations which will control the proposed wording of the new ordinance; and

WHEREAS, the subcommittee desires to obtain a consensus approval from the body concerning the policy considerations which the body as a whole desires to be addressed in the new ordinance before continuing the subcommittee deliberations;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH that the Assembly approves in concept the following policy issues to be addressed in the new lands ordinance:

SECTION 1. That the major sections of the ordinance shall be substantially as follows:

Chapter 17.10

BOROUGH LANDS AND RESOURCES

Sections:

17.20.010 Intent - Policy.

- 17.20.200 Acquisition of lands and resources.
- 17.20.300 Land bank.
- 17.10.400 Classification.
- 17.10.500 Disposal.
- 17.10.600 Costs and recoveries.
- 17.10.700 Staffing.
- 17.10.800 (Reserved)
- 17.10.900 Definitions.

SECTION 2. That the Assembly approves in concept the statement of intent for the new lands ordinance which shall read substantially as follows:

17.10.010 Intent - Policy. A. It is the policy of the Kenai Peninsula Borough to manage all borough owned and municipal entitlement lands and resources to provide for:

1. the efficient acquisition, management, classification and disposal of borough lands;
2. the efficient transfer to borough lands to the borough tax rolls, consistent with the needs and best interests of borough residents as a whole;
3. the promotion of orderly development;
4. the protection and orderly management of the borough's natural resources;
5. the preservation of borough lands important for wildlife habitat, scenic value, recreational needs, and historic areas;
6. the retention of borough lands desirable for health, safety, educational and other public needs;
7. the orderly disposal of lands and resources in a manner which is fair to all.

B. The purpose of this chapter is to provide a codification of the procedures for the acquisition, management, classification and disposal of borough lands and resources which may not be deviated from except upon the declaration of an emergency by the mayor of this borough or the governor of the State of Alaska.

SECTION 3. That the assembly approves in concept the statement of intent for subsection A of the lands classification policy which shall read substantially as follows:

17.10.400 Classification - Policy. A. It is the intent of the Assembly of the Kenai Peninsula Borough that all lands or interests in lands or resources owned or selected by the borough shall be classified or reclassified in an orderly manner consistent with the purposes and policies of this chapter.

SECTION 4. That the Assembly approved in concept a provision of the new ordinance providing for the subclassification of lands with primary classification of "public purpose lands", where title will remain with the borough, but the lands will be used for public purposes, to be substantially as follows:

1. School reserves

2. Medical reserves
3. Municipal reserves
4. Recreational - Park - Watershed reserves
5. Waste handling reserves
6. Multiple use reserves
7. Special use reserves.

SECTION 5. It is the intent of the Assembly of the Kenai Peninsula Borough that deeds evidencing transfers of lands classified for disposal to the general public generally shall not contain land use restrictions.

SECTION 6. That this resolution takes effect immediately upon enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 1992.

Betty J. Glick, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk