

Introduced by:	Mayor
Date:	3/05/96
Hearing:	4/02/96
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-08**

**AN ORDINANCE AMENDING KPB CODE SUBSECTION 17.10.080 (H) BY
PROVIDING A WAIVER FOR MAILING PUBLIC NOTICES TO ALL OWNERS
AND/OR LEASEHOLDERS OF RECORD OF PROPERTY LOCATED WITHIN A
RADIUS OF ONE-HALF MILE OF THE LAND TO BE CLASSIFIED WHEN THE
BOROUGH LAND BEING CLASSIFIED IS PART OF THE ADOPTION OF A LAND
USE PLAN OR IS WITHIN THE BOUNDARY OF A CITY WITH AN ADOPTED
ZONING ORDINANCE**

WHEREAS, Section 17.10.080(H) requires public notice be mailed to all owners and/or leaseholders of record property located within a radius of one-half mile of borough land to be classified; and

WHEREAS, the Kenai Peninsula Borough (KPB) assembly adopted Resolution 95-071 supporting classification of borough owned land in conjunction with completion of community land use plans; and

WHEREAS, classification of KPB land within cities with zoning powers is part of the classification schedule supported by Resolution 95-071; and

WHEREAS, mailing a copy of the public notice to all owners and/or lease holders of record of property located within a radius of one-half mile of the land to be classified is redundant when KPB land is being classified as a result of adoption of a land use plan or zoning ordinance;

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

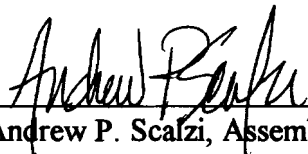
SECTION 1. That KPB Section 17.10.080(H) is amended by adding the following exception to the public notice requirement:

H. Notice of the proposed classification shall be published two times in a newspaper of general circulation in the local area in which the classification is proposed. In areas not served by daily newspapers, the notice shall be posted in the post office of the impacted community and sent to the appropriate advisory planning commission. The notice shall contain the description of the property to be classified, the general location, proposed classification, where written comments may be submitted, the last date for which written comments may be submitted, and the date, time and

location of the planning commission public hearing. At the beginning of the notice period a copy of the notice shall be sent by regular mail to all owners and/or leaseholders of record of property located within a radius of one-half mile of the lands to be classified. Notice shall also be sent to applicable local, state or federal government agencies, advisory planning commission and other interested groups. The public comment period shall not be less than thirty (30) calendar days from the date of the first publication of the notice. When land is classified in conjunction with the adoption or implementation of a community land use plan that was adopted as an element of a Comprehensive Plan, or within a city with a zoning ordinance, the classification is excepted from the requirement that public notice be mailed to all owners and/or leaseholders of record property located within a radius of one-half mile of the land to be classified.

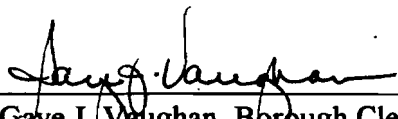
SECTION 2. This ordinance becomes effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2nd DAY OF APRIL, 1996.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk