

Introduced by: Navarre, Brown
Date: 8/06/96
Shortened Hearing: 8/20/96
Action: Enacted as Amended
Vote: 8 Yes, 1 No

**KENAI PENINSULA BOROUGH
ORDINANCE 96-33**

**AN ORDINANCE AMENDING KPB SECTION 21.13.060 RELATING TO
STANDARDS FOR CORRECTIONAL COMMUNITY RESIDENTIAL CENTERS
CREATING A TASK FORCE AND TEMPORARILY SUSPENDING
THE ISSUANCE OF CCRC PERMITS**

- WHEREAS,** on May 21, 1996, the assembly of the Kenai Peninsula Borough enacted Ordinance 96-14, enacting KPB Chapter 21.13 which established land use permit requirement for correctional community residential centers ("CCRC"); and
- WHEREAS,** Section 21.13.060 of Ordinance 96-14, standards for correctional community residential centers, states that CCRCs cannot be located within one-half mile of any pre-existing public or licensed private school, a pre-existing licensed day care facility, or a pre-existing licensed senior citizen facility; and
- WHEREAS,** on July 9, 1996, the assembly was presented with a petition requesting that Section 21.13.060 be amended to one geographical mile; and
- WHEREAS,** the borough wishes to encourage full participation in the application, hearing, and appeal process while it further evaluates and develops its standards and procedures for CCRCs; and
- WHEREAS,** Goal 5.5 of the Kenai Peninsula Borough Comprehensive Plan is to reduce conflicts arising from incompatible land uses outside of incorporated cities, and one listed action for achieving that goal is to develop an objective ordinance which includes definitions, standards, and procedures to obtain advance notification of proposed future land uses; and
- WHEREAS,** it is desirable to temporarily preserve the status quo while conducting further research in this area to minimize future land use conflicts; and
- WHEREAS,** a temporary suspension of CCRC permits will allow the borough time to develop and adopt regulations for implementing Chapter 21.13;

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

SECTION 1. That Section 21.13.060 of the Kenai Peninsula Borough Code of Ordinances is amended

to read:

21.13.060. Standards for correctional community residential centers.

CCRCs shall not be located within one-half geographical mile of any pre-existing public or licensed private school, a pre-existing licensed day care center, or a pre-existing licensed senior citizen facility. The assembly may waive this requirement if any schools, centers, or facilities, as set forth above, located within one-half mile of the proposed CCRC expressly non-oppose so locating the CCRC.

SECTION 2. That a task force of eight citizens shall be established to evaluate areas within the rural district of the borough that the State of Alaska is considering for a CCRC, and to recommend specific areas least subject to conflicts arising from locating CCRCs.

SECTION 3. That recommendations by the task force shall be delivered in writing to the assembly and administration within four months of the creation of the task force. In accordance with KPB 22.40.190, any recommendation from this task force shall be subject to review and consideration by advisory planning commissions, the planning commission and active community councils prior to adoption by the assembly.

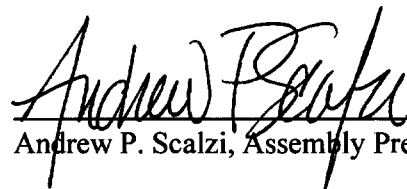
SECTION 4. That the task force shall include one member each from the cities of Kenai and Soldotna, and one member each from the areas of Kalifornsky Beach, Kasilof, Nikiski and Sterling and the remaining two members would be selected at large from outside the cities. Members shall be appointed by the mayor and confirmed by the assembly.

SECTION 5. That no permits for correctional community residential centers shall be issued for a period not to exceed six months from the creation of the task force in order to allow time for the task force to make the above-described recommendations, and the borough and cities to consider adopting those recommendations. This provision shall not apply to pending permit applications submitted to the Planning Department prior to enactment of this ordinance.

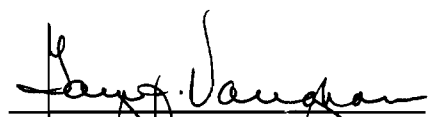
SECTION 7. That sections 2, 3, 4 and 5 of this ordinance shall be automatically repealed on March 31, 1997, unless the assembly by ordinance, has altered or extended that date.

SECTION 6. That this ordinance shall take effect upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20th DAY OF AUGUST, 1996.


Andrew P. Scalzi, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk