

Introduced by: Merkes
Date: 1/21/97
Hearing: 3/04/97, 5/06/97
Postpone: 5/20/97
Action: Defeated
Vote: 4 Yes, 5 No
Reconsidered: 6/03/97
Carried forward: 6/17/97
Reconsidered: 6/18/97
Action: Failed
Vote: 4 Yes, 4 No

**KENAI PENINSULA BOROUGH
ORDINANCE 97-04**

**AN ORDINANCE AMENDING KPB CHAPTER 17.10 BY ADDING
A NEW CLASSIFICATION FOR BOROUGH-OWNED LANDS
TO RECOGNIZE HISTORIC SITES AND DISTRICTS**

WHEREAS, Chapter 17.10 of the Kenai Peninsula Borough Code provides numerous land classifications for identifying allowed uses of borough lands; and

WHEREAS, some lands around the borough are sites of significant historical events, buildings or uses which it is desirable to recognize and preserve through both non-profit and profitable means; and

WHEREAS, the Kenai Peninsula Borough Comprehensive Plan recognizes the need to increase public access to knowledge and information about land characteristics and the location of existing and historic land uses; and

WHEREAS, the existing borough code does not clearly provide an appropriate classification for such purposes; and

WHEREAS, adding historical classification will enable the borough to classify appropriate lands for such purposes; and

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

SECTION 1. That KPB Chapter 17.10.080(K) is amended as follows:

- K. All borough lands shall be classified as one of the following:
1. Agricultural
 2. Residential
 3. Commercial

4. Heavy Industrial
5. Light Industrial
6. Recreation
7. Preservation
8. Government
9. Resource Development
10. Resource Management
11. Institutional
12. Utility/Transportation
13. Waste Handling
14. Rural
15. Historical

The classifications are specifically defined in KPB 17.10.250 except historical which is regulated and defined pursuant to KPB 17.10.082.

Section 2. That KPB 17.10 is amended by adding a new section as follows:

17.10.082 Historical Designation Criteria

In evaluating sites or districts for designation as a historic district the Planning Commission and Assembly shall consider:

1. the site or district is associated with events that have made a significant contribution to the broad patterns of borough, state or national history; or
2. are associated with lives of persons significant in the past history of the borough, state or nation; or
3. embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values; or
4. yield or may be likely to yield, information important in prehistory or history; or
5. properties recommended by historical district commissions that are listed in the National Register of Historic Places or are characteristic of the Russian-American period before October 18, 1867, the early territorial period before 1930, or early Native heritage, reflecting the indigenous characteristics of Native culture in Alaska.

Section 3. That KPB 17.10 is amended by adding a new section as follows:

17.10.084 Historic Designation Guidelines

The Planning Department, along with the input from local and state historical districts commissions, shall develop guidelines to further evaluate and document historical districts and historical sites.

Section 4. That KPB 17.10 is amended by adding the following:

17.10.090. Disposition of borough land.

A. Except as otherwise provided by this title no land or interest in land may be sold or leased or otherwise disposed of unless the land has been classified in accordance with the provisions of this

chapter. Lands shall not be sold unless the borough has clear title to the land. All lands shall be sold or leased at fair market value or fair market rental value as determined by a qualified appraiser except as provided in sections 17.10.100(I) and 17.10.120(D).

B. Historical lands so classified may be preserved in public ownership or may be sold or leased subject to restrictions requiring the land be used in a manner that preserves the land's historical significance. The land may also be used in a manner that educates the public about its historical significance. Any such use may be by for-profit or non-profit ventures. This classification is not exclusive and may overlap any other classification thereby allowing other non-conflicting uses.

Section 5. That KPB 17.10.250 is amended by adding the following:

17.10.250 Definitions

PP. "district" means a property containing a collection of sites, structures, buildings, or objects.

QQ. "site" means a property containing land with no buildings, objects, or structures.

SECTION 6. That this ordinance takes effect immediately upon its adoption.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ____ DAY OF _____, 1997.

Jack Brown, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk