

Introduced by: Brown, Popp,
Navarre, Horne
Date: 6/3/97
Shortened Hearing: 6/18/97
Action: Enacted
Vote: 6 Yes, 2 No,
1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 97-40**

**AN ORDINANCE EXTENDING THE TIME PERIOD
FOR THE TEMPORARY SUSPENSION 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 requirements for correctional community residential centers ("CCRC"); and
- WHEREAS,** Ordinance 96-33 adopted on August 20, 1996, established a task force to evaluate areas within the rural district of the borough most appropriate for CCRC placement and least subject to land-use conflict; and
- WHEREAS,** the CCRC task force was required to submit a report to the borough assembly with recommendations and that report was submitted at the April 18, 1997 assembly meeting; and
- WHEREAS,** at the May 20, 1997 assembly meeting an assembly committee was appointed to review the task force report and recommendations and make recommended revisions to Chapter 21.13; and
- WHEREAS,** it is desirable to temporarily preserve the status quo while the assembly considers revisions to KPB 21.13 to minimize future land use conflicts; and
- WHEREAS,** the suspension on the issuance of CCRC permits initially imposed by ordinance 96-33 expires June 30, 1997 by the terms of Ordinance 97-06; and
- WHEREAS,** the assembly committee needs additional time to formulate its recommendations; and
- WHEREAS,** additional time for the completion of the assembly committee's recommendations requires a commensurate extension of time for the suspension of CCRC permit issuance to avoid issuing permits under a law subject to imminent amendment; and
- WHEREAS,** a temporary suspension of CCRC permits will allow the borough time to develop and consider amendments to Chapter 21.13; and

WHEREAS, the time extension is necessary to aid full and fair consideration of important land use issues and to help resolve potential land use conflicts within the borough consistent with the intent of the borough's comprehensive plan, Section 5.5; and

WHEREAS, pursuant to Section 3 of Ordinance 97-06, any extension of the June 30 date for repeal of the permit suspension provisions must be accomplished by ordinance; and

WHEREAS, the extension of the suspension period for CCRC permit issuance will not hinder the planning and permitting process but will encourage fair and well-considered planning and permitting measures; and

WHEREAS, it is necessary to hear this matter on shortened time as the period of suspension for issuing CCRC permits expires on June 30th and the suspension period would lapse if this matter was set for public hearing in July of 1997.

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

SECTION 1. That recommendations by the assembly committee for revisions to KPB Chapter 21.13 addressing CCRCs shall be delivered to the assembly by August 19, 1997.

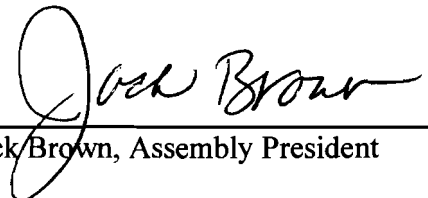
SECTION 2. That no applications for permits for correctional community residential centers shall be accepted until September 19, 1997, in order to allow time for the assembly committee to make the above-described recommendations. This provision shall not apply to pending permit applications submitted to the planning department prior to enactment of Ordinance 96-33.

SECTION 3. That sections 1 and 2 of this ordinance shall be automatically repealed on September 19, 1997, unless the assembly by ordinance, has altered or extended that date.

SECTION 4. A copy of this ordinance shall be sent to the Honorable Margaret Pugh, Commissioner of Alaska Department of Corrections.

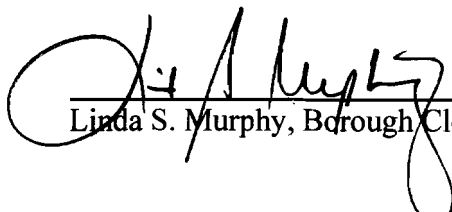
SECTION 5. That this ordinance shall take effect upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18th DAY OF JUNE, 1997.



Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk