

Introduced by: Mayor  
Date: 03/16/99  
Hearing: 04/20/99  
Action: Postponed to 06/01/99  
Action: Enacted as Amended  
Vote: 6 Yes, 2 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 99-17**

**AN ORDINANCE AUTHORIZING THE BOROUGH'S ACQUISITION OF LAND  
OFF THE NORTH FORK ROAD IN ANCHOR POINT, ALASKA IN EXCHANGE  
FOR GRANTING A LOT ADJACENT TO THE HOMER BALING FACILITY NEAR  
HOMER, ALASKA TO CLIF SHAFER**

- WHEREAS,** in March, 1998 Clif Shafer applied for a Material Site Permit to operate a material site on property off the North Fork Road in Anchor Point; and
- WHEREAS,** at a public hearing in June 1998 there were numerous comments opposed to the permit and expressing concerns over wetlands, water quality and potential effects to a tributary stream on the property; and
- WHEREAS,** the Planning Commission postponed action on the permit pending further hydrologic information; and
- WHEREAS,** Mr. Shafer indicated the requested information will be cost prohibitive to obtain; and
- WHEREAS,** Mr. Shafer approached the borough to exchange the subject property for borough property near the Homer Baling Facility with the restrictions that he would not use the borough property as a material site, would not develop wetlands, and would maintain a perimeter vegetative buffer; and
- WHEREAS,** Goal 5.5 of the Borough Comprehensive Plan is to reduce conflicts arising from incompatible land uses outside of the incorporated cities; and
- WHEREAS,** use of the Shafer parcel as a material site conflicts with surrounding land uses as evidenced by public testimony and written comments at the permit hearing; and
- WHEREAS,** wetlands and a tributary stream on the Shafer parcel make the most appropriate use of this parcel as single family residential, recreation and preservation; and

**WHEREAS,** it is in the borough's best interest to reduce land use conflicts and protect the public safety and welfare through proper land management of public resources, and this interest is upheld by exchange of the subject parcels; and

**WHEREAS,** the proposed exchange of the Shafer parcel will help preserve the residential character of the area; and

**WHEREAS,** the proposed exchange is of almost equal value, excluding the value of gravel resources on the Shafer parcel; and

**WHEREAS,** restricting future use of the borough parcel will help protect the public safety and welfare; and

**WHEREAS,** the KPB Planning Commission conducted a public hearing at its regularly scheduled meeting of March 22, 1999 and recommended enactment with amendments, by a vote of 9 Yes, 2 No.

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

**SECTION 1.** That the Assembly finds that exchanging NE NW 1/4, Section 15, T6S, R14W, S.M., Alaska for Tract B, Southeast Forty Subdivision, Section 35, T4S, R15W, S.M., Alaska is in the best interest of the borough based on the facts set forth in the Whereas clauses of this ordinance.

**SECTION 2.** The mayor is authorized, pursuant to KPB 17.10.100(c) to exchange the land described in Section 1 above with Clif Shafer. The borough land shall be conveyed by Quitclaim Deed. The authorization is for exchange solely with Clif Shafer, and he may not assign any rights to negotiate or enter an agreement for exchange to any other person or entity. The deed shall carry the following restrictions:

1. Wetland area shall not be filled, dredged, or developed, except as necessary to provide reasonable access.
2. A natural vegetative buffer of 100 feet will be maintained around the parcel perimeter.
3. The parcel shall not be used for material extraction.
4. An easement for the existing trail across the northern portion of the parcel will be maintained. This easement is inclusive of the vegetative buffer.
5. The borough reserves the right to coordinate with the property owner to enter the parcel, install and sample monitoring wells and access

roads, and collect surface water or soil samples related to solid waste activities at the adjoining parcel.

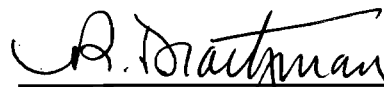
6. Prior to the land exchange, the property owner will sign a letter of non-objection to current and future landfill activities or consequences of such activities at the adjoining site.

**SECTION 3.** The borough land will be classified in accordance with KPB 17.10 prior to the exchange, provided that this land may be used for material stockpiling and related activities including sorting and the operation of heavy equipment.

**SECTION 4.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

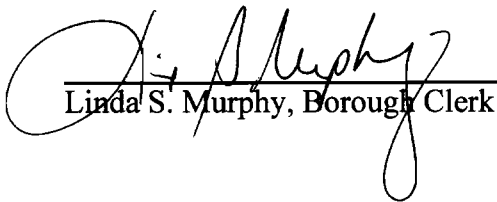
**SECTION 5.** This ordinance shall take effect immediately upon its enactment.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF JUNE, 1999.**



Ronald Wm. Drahtman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

