



## KENAI PENINSULA BOROUGH

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DAVE CAREY  
BOROUGH MAYOR

### MEMORANDUM

**To:** Milli Martin, Assembly President  
Kenai Peninsula Borough Assembly Members

**From:** *DK Carey* David R. Carey, Borough Mayor

**Date:** August 4, 2009

**Subject:** Amendment to Ordinance 2009-34, Providing authority to issue land use permits for up to five years.

During the Lands Committee discussion today regarding this ordinance a question was raised concerning the delegation of authority in the code to the Land Management Officer to deny or revoke a temporary land use permit. The administration requests that the assembly amend the code to provide that the “Mayor or designee” have this authority. Following are the proposed new amendments in bold:

- **SECTION 2.** That KPB 17.10.180 D, **E, and F** are **[IS]** hereby amended as follows:

17.10.180 D. If the **mayor or designee [LAND MANAGEMENT OFFICER]** determines a temporary use may cause damage to the borough land or expose the borough to liability arising from the proposed activity, then **the mayor or designee [LAND MANAGEMENT OFFICER]** may deny the application and return the application fee to the applicant; or the mayor or designee [LAND MANAGEMENT OFFICER] may require the applicant to provide liability insurance or post a bond in an amount and form acceptable to the borough in advance [WITH THE BOROUGH] to insure that the applicant restores the land to reasonably the same condition it was in at the time the permit was executed. The bond amount shall not be less than One Hundred Dollars (\$100). The bond shall not be released until the user has complied with all conditions of the permit upon termination or cancellation of the permit. If the mayor or designee [LAND MANAGEMENT OFFICER] determines the proposed temporary use to be in conflict with other use or classification of that land or adjoining land, then the mayor or designee [LAND MANAGEMENT OFFICER] may deny the application and return the application fee to the applicant.

- 17.10.180 E. The borough land may be inspected at any time to insure compliance with conditions of the permit. The mayor or designee [LAND MANAGEMENT OFFICER] may, for cause and without notice to the permittee, immediately revoke a temporary use permit. The permittee whose temporary use permit has been revoked shall, within the time specified in the permit and if [NOT] no time is specified within thirty days of the revocation of the permit, remove from the borough land all improvements or chattels placed on the borough land pursuant to the temporary use. Any improvements or chattels remaining on the land after thirty days of revocation become the property of the borough and may be disposed of as surplus property in accordance with KPB Chapter 5 or by other authorized means at the expense of the permittee.
- 17.10.180 F. The mayor or designee [LAND MANAGEMENT OFFICER] may reissue a permit if the permittee has complied with the provisions of this section and the terms of the prior permit.