



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378


Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Milli Martin, Assembly President
Kenai Peninsula Borough Assembly Members

THRU:  David R. Carey, Borough Mayor

FROM:  Max J. Best, Planning Director

DATE: July 21, 2009

SUBJECT: Ordinance 2009-34 amending KPB 17.10.180 to provide authority to permit temporary use of borough land for up to five years and to clarify the process for denial of permit applications

The Planning Commission reviewed the subject ordinance during their regularly scheduled July 20, 2009 meeting. A motion to recommend approval of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

- 2. Ordinance 2009-34 amending KPB 17.10.180 to provide authority to permit temporary use of borough land for up to five years and to clarify the process for denial of permit applications

Memorandum reviewed by Marcus Mueller

PC Meeting: 7/20/09

The land management division routinely issues land use permits under KPB 17.10.180 for a variety of temporary uses of borough land. Currently, the code restricts the term of such permits to a period of no longer than one year from the date of issuance. Some permitted land uses by their scope or nature extend beyond one year. In these cases, the permittee and the land management division must go through the permitting process annually to maintain the permissions granted. By extending the authority under KPB 17.10.180 to allow permits to be issued that last longer than one year, the land management division can better manage the land use permitting program while remaining consistent with the purpose of KPB 17.10.180. Allowing longer term permits will also save time and expenses incurred in processing new permits each year. An amendment to the Code would allow staff to put an appropriate term on permits to be no more than five years.

Additionally, it is in the best interest of the borough to clarify the process and basis upon which an application for temporary use permit may be denied.

A list of land use permits issued in recent years to provide additional background on the implementation of KPB 17.10.180 was included with the memorandum in the mail out packet.

A resolution to update the relevant fee schedules will be introduced concurrent with the hearing of this ordinance.

Consideration of this ordinance is greatly appreciated.

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Gross moved, seconded by Commissioner McClure to recommend approval of Ordinance 2009-34 as presented by staff.

Chairman Bryson asked if the review procedure would be any different than what presently exists. Mr. Mueller replied no, they would administer the land use permits under the same process with this change. The permits are inherently revocable so the permit could be revoked if issues come up.

Chairman Bryson asked if the permits would have a public hearing at this level. Mr. Mueller replied that land use permits are an administrative item. Applications are made to the department, reviewed and issued by the Mayor.

Chairman Bryson asked if there were permits that have not come before the Planning Commission. Mr. Mueller replied that the permits that come before the Planning Commission would be conditional use permits. The land use permits authorize a temporary use of Borough owned lands which is an administrative function under the Code.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON ABSENT
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN ABSENT	11 YES 2 ABSENT