

Introduced by: Mayor
Date: 10/24/00
Hearing: 11/21/00
Action: Failed Introduction
Vote: 4 Yes, 5 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-54**

**AN ORDINANCE EXTENDING THE DEADLINE TO APPLY FOR MATERIAL SITE
PRIOR EXISTING USE (GRANDFATHER RIGHTS) REGISTRATION TO
JANUARY 1, 2002**

WHEREAS, Ordinance 98-33 Substitute established a deadline of January 1, 2001 for applications to register as Prior Existing Use (PEU) material sites; and

WHEREAS, the Planning Department has provided notice of this impending deadline through letters to operators, public notice ads in newspapers, and a notice in the tax assessment bills sent July 2000; and

WHEREAS, despite the notice, fewer parcel owners than expected have submitted PEU applications and will not have the opportunity to submit a registration application after January 1, 2001; and

WHEREAS, gravel is a scarce resource in some areas, and it is in the best interest of the borough to ensure that qualified properties be given ample opportunity to apply for the appropriate designation; and

WHEREAS, it is in the best interest of the borough to provide additional time for material site owners to apply for registration as Prior Existing Use material sites; and

WHEREAS, the Planning Commission conducted a public hearing for the proposed extension of the deadline during its regularly scheduled meeting of October 23, 2000 and recommended _____.

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

SECTION 1. That KPB 21.26.040.B is hereby modified as follows:

- B. Owners of sites must apply to be registered as a prior existing use prior to January 1, [2001] 2002. If the application is denied or untimely filed, the operator must comply with provisions of this chapter. Such registration shall include the identification of the premises, a description of the nature and extent of the prior existing use and, if required by the planning director or planning commission, a plot plan, drawn to scale,

showing property lines, all structures and any other pertinent information, and an affidavit by the owner as to the date since which such nonconforming use has existed. A fee may be charged as set by planning commission resolution and approved by the borough assembly.

SECTION 2. That KPB 21.26.010D is hereby modified as follows:

D. Dewatered Bar Exemption. Gravel mining taking place on dewatered bars within the confines of the following streams in the Seward area is exempt from the provisions of this chapter: Fourth of July Creek, Resurrection River, and Jap Creek as referenced in the Dictionary of Alaska Place Names, Geological Survey Professional Paper 567 (Orth, 1971). Operators subject to this exemption shall register with the borough by providing the quantity of material and the information required by KPB 21.26.010(A)(1)-(3) only. There shall be no fee for registration. Gravel mining which is exempted by this section operating prior to February 16, 1999 must register by January 1, 2002. All gravel mining operations exempt from the provisions of this chapter must re-register within five years from the date of initial registration.

SECTION 3. That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF *, 2000.**

Timothy Navarre, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk