

E. NEW BUSINESS

- 11. Ordinance 2026-XX: Amending Borough code section KPB 17.10.190 & KPB 17.10.250 regarding casual use of Borough land.**

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Ryan Tunseth, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor
Robert Ruffner, Planning Director

FROM: Aaron Hughes, Land Management Officer

DATE: March 5, 2026

RE: Ordinance 2026-__ Amending Borough Code Sections KPB 17.10.190 and KPB 17.10.250 Regarding Casual Use of Borough Land (Mayor)

The Kenai Peninsula Borough Land Management Division manages approximately 200 square miles of borough-owned or managed lands for the benefit of the citizens of the Kenai.

KPB 17.10.190 provides for the public use of borough land through Casual Use, but inadequately defines what is considered allowable use or penalties for unauthorized activities on borough land. Public casual use of borough land is an important benefit to borough residents. The objective of the KPB Administration and Land Management is to preserve and manage public casual use land for long-term personal consumption, non-commercial, personal recreation, and personal subsistence uses.

The ordinance serves to further identify, define and encourage allowable uses under Casual Use, and provides future guidance on how lands available for casual use are to be identified, and may be closed based on extraordinary public health, welfare and safety-related conditions. These are necessary tools for the responsible and proactive management of borough lands for the use of all KPB citizens.

Uses not consistent with casual use, as defined by the ordinance, may still be allowed and encouraged on select borough lands upon application and administration approval of a temporary land use permit or other available land use authorization.

Your consideration is appreciated.

Introduced by: Mayor
Date: 03/17/26
Hearing: 04/21/26
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2026-**

**AN ORDINANCE AMENDING BOROUGH CODE SECTIONS KPB
17.10.190 AND KPB 17.10.250 REGARDING CASUAL USE OF
BOROUGH LAND**

WHEREAS, KPB 17.10.190 provides for the public use of borough land though Casual Use, but KPB 17.10.250 inadequately defines what is considered allowable use or penalties for unauthorized activities on borough land; and

WHEREAS, public casual use of borough land is an important benefit to borough residents and should be preserved and managed for personal consumption, non-commercial, personal recreation, and personal subsistence uses only; and

WHEREAS, amending the definition of casual use is important for the active management of borough lands, and will serve to help mitigate future unauthorized use and trespass matters; and

WHEREAS, during its regularly-scheduled meeting on February 23, 2026, the Kenai Peninsula Borough Planning Commission held a public hearing regarding the proposed changes and recommended _____;

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

SECTION 1. That this ordinance amends KPB Code and will be codified.

SECTION 2. That KPB 17.10.190 is hereby amended as follows:

17.10.190. Casual use of borough land.

- A. A casual use is temporary in nature for personal recreation, non-commercial use, personal consumption, or personal subsistence use and enjoyment, and does not create an interest in the title of the land.
- B. The casual use of borough land does not require a permit. Any and all uses that do not comply with the definition of “casual use” under 17.10.250 will require the issuance of a revocable temporary use permit pursuant to KPB 17.10.180 or other available land use authorization.

- C. The mayor, or designee, may close any and all borough casual use land [TO CASUAL USE] due to extraordinary circumstances adverse to public health, safety, and general welfare by issuing a written order. [THAT CONTAINS A FINDING THAT AN EMERGENCY EXISTS AND A STATEMENT OF THE FACTS ON WHICH THE FINDING IS BASED.] The mayor will [PUBLISH] post a notice of the location of borough land that the mayor has closed to casual use on the borough website. [IN ACCORDANCE WITH KPB 1.08.180.] An inventory of lands open for casual use will be available under a casual use viewer on the borough website.
- D. Only specifically identified parcels of borough land will be made available for casual use. The identified parcels available for casual use will be located outside of city limits, and must contain borough parcels or a block of contiguous borough-owned parcels in excess of 20 acres in size, unless otherwise identified by the mayor in the casual use viewer. Borough-owned lands incorporated within a Local Option Zoning District will not be available for casual use.
- F. Unauthorized use, destruction, extraction, removal, or harvest of resources from borough land will be subject to trespass, fines, and potential civil actions to recover damages.
- G. Camping allowed under casual use is only allowed on approved casual use lands, is limited to a seven-consecutive-day period, and must not result in any damage to the land, including, but not limited to depositing of garbage or waste.
- H. Firewood Cutting must be for personal consumptive use only and is limited to five dead or naturally downed trees within a one acre area. All slash must be removed or dispersed in a manner to limit the slash height to 16” or less. Only seasonal burning of slash may take place through the use of an attended personal warming fire as fire conditions permit.
- I. Motorized or mechanized use is limited to existing trails. Winter travel by snowmachine or all-terrain vehicle is permissible provided sufficient snow conditions exist. The mayor may close borough casual use lands for winter travel to all mechanized or motorized use or designate a specific type of use in the event extraordinary conditions exist.
- J. Warming fires are allowed as fire conditions permit, provided they are attended and are restricted in size to that of a warming fire, not greater than 3’ x 3’ in size. The mayor may close borough casual use lands to all open fires in the event of determined or potential fire risk.
- K. The discharge of firearms on borough land is restricted to hunting or the preservation of life and property. No unauthorized shooting ranges are

allowed.

- L. No dumping of waste, garbage, slash, debris, fish or animal waste, or materials of any type are allowed on borough land to include casual use lands.

SECTION 3. That KPB 17.10.250 is hereby amended as follows:

17.10.250. — Definitions

In this chapter, unless the context otherwise requires:

...

"Casual use" means [A USE]the temporary personal recreation, non-commercial, personal consumption, or personal subsistence use of specifically-identified borough land that is nonexclusive and involves only minimal disturbance to the land. Nonexclusive examples of a casual use are hiking, camping for seven consecutive days or less, cross country skiing, snow machining, berry picking, hunting, brushing survey lines or authorized trails where roots are not disturbed, [LIVESTOCK DRIVES], attended warming fires as fire conditions allow, and the use of all-terrain vehicles off an established road or right-of-way but on an existing trail. However, hiking trails or consistent use for hiking and establishing hunting camps do not constitute a casual use.

SECTION 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.

SECTION 5. This ordinance shall become effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2026.

Ryan Tunseth, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: