

Introduced by: Mayor
Date: 08/17/21
Hearing: 09/07/21
Action: Enacted
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-33**

**AN ORDINANCE AUTHORIZING THE ASSESSOR TO ACCEPT ONE LATE-FILED
FARM USE DEFERMENT APPLICATION FOR 2021 AND PROVIDING AN
EXCEPTION TO KPB 5.12.040(B)**

WHEREAS, AS 29.45.060(a) provides farm use land included in a farm unit not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use and not be assessed as if subdivided or used for some other nonfarm purpose; and

WHEREAS, the farm use deferment is a tax deferment not a tax exemption; and

WHEREAS, if the land is sold, leased or otherwise disposed of for uses incompatible with farm use or converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mil levy together with eight percent interest for the preceding seven years; and

WHEREAS, per AS 29.45.060(d) the state shall, subject to legislative appropriation, reimburse a borough or city, as appropriate, for the loss of property tax revenues due to the statutory farm use value deferment, however the state has failed to appropriate funds for this purpose;

WHEREAS, the application, filed by property owner Mairiis Kilcher, was not filed on or before May 15 as required and this ordinance seeks assembly approval to accept the late-filed application and find that a good cause basis existed that resulted in the applicant's failure to apply timely for the farm use deferment; and

WHEREAS, this ordinance further seeks to authorize an exception to KPB 5.12.040(B) to allow the assessor to make a change to the assessment roll after June 1 due to a tax deferment valuation change should the assessor otherwise find that the application meets the farm use deferment requirements;

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

SECTION 1. Upon reviewing the farm use deferment application, the assembly hereby waives the May 15 deadline for filing an application for the 2021 farm use deferment based upon a finding that the applicant was unable to comply with that deadline due to a serious condition or extraordinary event beyond their control.

SECTION 2. That the assessor shall process the application in accordance with standard assessing department procedures for processing such applications.

SECTION 3. Notwithstanding KPB 5.12.040(B), in the event the assessor finds that the late-filed farm use deferment application should be otherwise approved, the assessor is hereby authorized to make a change to the assessment roll after June 1, 2021 to reflect the farm use value.

SECTION 4. That this ordinance shall take effect immediately upon its enactment.

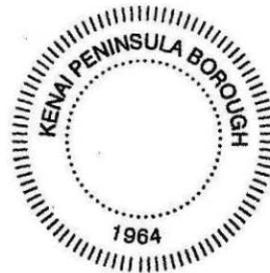
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF SEPTEMBER, 2021.



Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert

No: None

Absent: Carpenter