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| Introduced by: | Mayor |
| Date: | 02/17/26 |
| Hearing: | 03/17/26 |
| Action: | |
| Vote: | |

**KENAI PENINSULA BOROUGH**
**ORDINANCE 2026-07**

**AN ORDINANCE AUTHORIZING THE KENAI PENINSULA BOROUGH TO ENTER INTO A LONG-TERM LEASE AGREEMENT WITH THE CITY OF SEWARD FOR OPERATION OF A PUBLIC OUTDOOR SHOOTING RANGE**

**WHEREAS,** in 1998 the Kenai Peninsula Borough (KPB) entered into a 10-year lease agreement with the Seward American Legion for operation of a public outdoor shooting range on the cap of the old Seward landfill (portions of Parcel Nos. 14424004 and 14424005); and

**WHEREAS,** in 2005 the American Legion terminated that lease with KPB while in good standing; and

**WHEREAS,** in 2006 KPB entered into a 20-year lease with the City of Seward to continue operation of the shooting range; and

**WHEREAS,** the current lease term will expire on March 31, 2026; and

**WHEREAS,** the property is located in the City of Seward's Institutional Zoning District, which allows for shooting ranges by conditional use permit; and

**WHEREAS**, the City of Seward desires to continue operating the shooting range on the property and passed City of Seward Resolution 2026-008 to enter into a new, 20-year lease with KPB at an annual rental of One Dollar ($1.00); and

**WHEREAS,** once the lease is secured, the City of Seward will either manage the shooting range or enter into a new operating agreement with a third-party operator for on-site management; and

**WHEREAS,** the shooting range is an important public facility, as there is a demonstrated need for a safe, central, and controlled public shooting range on the eastern Kenai Peninsula for firearms education, local law enforcement firearms training, and other related activities; and

**WHEREAS,** the KPB Planning Commission, at its regularly-scheduled meeting on February 23, 2026, recommended _____;

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

**SECTION 1.** That this is a non-code ordinance.

**SECTION 2.** That pursuant to KPB 17.10.100(I) and KPB 17.10.120(D), the assembly finds that entering into a Lease Agreement with the City of Seward at less than fair market value on that leased premises more particularly described as follows is in the best interests of KPB:

That portion of the S½ NW¼ NE¼ NE¼, the SW¼ NE¼ NE¼, and the N½ NW¼ SE¼ NE¼ of Section 28, Township 1 North, Range 1 West, Seward Meridian, Seward Recording District, Third Judicial District, State of Alaska, lying west of the solid waste service roadway, together with exclusive access along the access road beginning directly off of the Dieckgraeff Road right-of-way and leading to the leased premises. (Portions of Parcel Nos. 14424004 and 14424005)

Site Name: City of Seward Shooting Range

This finding is based upon the following fact:

1. The property will be used to maintain an existing public facility that will benefit the residents of Seward and the Eastern Kenai Peninsula.

**SECTION 3.** That the mayor is hereby authorized to negotiate and enter into a lease upon a portion of the property identified in Section 2, subject to all lease conditions required by this ordinance and the applicable provisions of KPB 17.10.

**SECTION 4.** That the annual rent shall be One Dollar ($1.00) for the 20-year term of the lease.

**SECTION 5.** Pursuant to KPB 17.10.230, the assembly authorizes an exception to the requirements of 17.10.080 "Classification and Reclassification of Borough Lands" and 17.10.110 "Notice of Disposition", based upon the following facts:

1. Special circumstances or conditions exist.

    a. The City of Seward has existing zoning regulations that justify an exception to classification.

    b. The City of Seward relies on this shooting range facility for official law enforcement purposes.

    c. The notice requirement is intended to make the public aware of an opportunity to purchase KPB property, which is unnecessary since the intent of the disposal is to lease the property solely to the City of Seward.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.

   a. The lease will continue a prior existing use of KPB-owned land.

   b. The Seward community has made valuable property improvements that it wants to preserve.

3. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.

   a. Previous shooting range activities have demonstrated compatibility with the site and other surrounding uses.

   b. Public use of the facility benefits the health and safety of area residents by reducing the amount of unauthorized, unorganized, and uncontrolled shooting.

**SECTION 6.** That the City of Seward will have ninety (90) days from the date of enactment of this ordinance to execute the lease agreement.

**SECTION 7.** That the mayor is authorized to execute a lease agreement substantially in the form of the one accompanying this ordinance, and any documents necessary to effectuate this ordinance.

**SECTION 8.** That rent revenue from the lease must be submitted to the KPB Finance Department and deposited into Land Management Account No. 250.00000.00000.36316.

**SECTION 9.** 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 circumstance will not be affected.

**SECTION 10.** 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: