

Introduced by: Mayor  
Date: 12/03/19  
Hearing: 01/07/20  
Action: Enacted as Amended  
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2019-33**

**AN ORDINANCE AMENDING KPB 20.10.030 AND 20.90.010 TO CLARIFY  
APPLICABILITY OF SUBDIVISION REQUIRMENTS**

- WHEREAS,** borough code Title 20 relates to the subdivision of land within the Kenai Peninsula Borough; and
- WHEREAS,** language within Title 20 pertaining to subdivision requirements for transfers of land can be interpreted to include land leases; and
- WHEREAS,** borough subdivision requirements are not appropriate for certain land lease types, such as communication tower leases or agricultural leases, where the lessee only desires to use a portion of a larger parcel of land; and
- WHEREAS,** the subdivision of land solely for leases would potentially create undesirable tracts of land that require multiple exceptions to subdivision requirements and that are not suitable for conveyance; and
- WHEREAS,** Kenai Peninsula Borough Comprehensive Plan Goal 2, Focus Area: Land Use and Changing Environment, Objective A is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** Kenai Peninsula Borough 2019 Comprehensive Plan Goal 2, Focus Area: Land Use and Changing Environment, Objective C is to guide land use at the regional scale to promote economic development, improve public roads and other services and facilities, and maintain environmental quality; and
- WHEREAS,** exempting land leases from subdivision requirements furthers the Kenai Peninsula Borough 2019 Comprehensive Plan Goal 2, Focus Area: Land Use and Changing Environment, Objectives A and C; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission held a public hearing on December 16, 2019, and recommended approval by unanimous consent;

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

**SECTION 1.** That KPB 20.10.030 is hereby amended to read as follows:

**20.10.030. Subdivisions – General Provisions – Violations and Remedies.**

- A. No person shall transfer, sell, offer to sell, or enter into a contract to sell land that must be subdivided under this ordinance until an approved final plat has been recorded. For purposes of this provision the term “transfer” means transfer of ownership and does not include a lease, license or permit.

**SECTION 2.** That KPB 20.90.010 is hereby amended to read as follows:

**20.90.010. Definitions.**

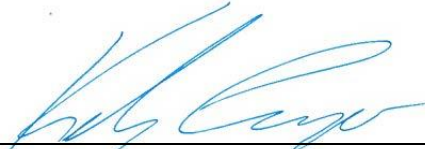
...

"Subdivision" means the division of a tract or parcel of land into two or more lots, or other divisions for the purpose of sale or building development, and includes resubdivision and relates to the process of subdividing or to the land or areas subdivided. As used in this Chapter, it also includes the elimination of lot lines. A designation of boundaries of a portion of a parcel of land solely for the purpose of a land lease is not a subdivision.


...

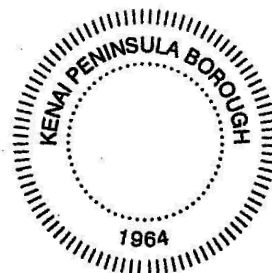
**SECTION 3.** This ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JANUARY, 2020:**

  
\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



Yes: Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: Bjorkman

Absent: None