



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Bill Smith, Assembly Member *Bill Smith*
Mako Haggerty, Assembly Member *for MTH*

DATE: February 15, 2012

SUBJECT: Ordinance 2012-06 Amending KPB 21.18 - Anadromous Streams Habitat Protection to permit certain structures in tidally inundated areas, conditionally permit certain structures within the Habitat Protection District, and add definitions

The borough is in the process of a phased implementation of the addition of numerous streams which were added to the Anadromous Streams Habitat Protection district. Implementation Phase 2 encompassing most of the Kenai Peninsula is scheduled to take effect on May 1, 2012.

These added areas have brought to light issues with small pre-existing parcels that have seen their development rights unduly restricted due to the greater part of the parcel being in the Habitat Protection District and consequently have a limited area that could be developed. This condition has existed along the Kenai River and a few other areas for some time.

This ordinance allows, through the conditional use process, some development to occur within the Habitat Protection District when certain standards are met. By defining a conditional use for use by property owners, staff and the Planning Commission, I believe we will add a fair process allowing additional development which will relieve some of the burden for small lot property owners.

A standard of development is proposed that the parcels be served by a public sewer system to insure that waste water is properly disposed and streamside water quality is protected. A further condition brings into play city permitting processes in order to provide a more local influence on the development.

I believe it is important that borough regulations do not unreasonably restrict development rights and more particularly, do not eliminate development rights.

Your consideration of this ordinance will be appreciated.