

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

144 North Binkley Street
Soldotna, AK 99669
Phone 907-714-2160
Fax 907-714-2388

Gary Knopp, Assembly President
Charlie Pierce, Vice President

MEMORANDUM

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

FROM: Bill Smith, Assembly Member *Bill Smith*

DATE: April 17, 2012

RE: Proposed Amendments to Ordinance 2012-06, Amending KPB 21.18.081, 21.18.100 and 21.18.140 to Permit Certain Structures in Tidally Inundated Areas, and Conditionally Permit Certain Structures Within the Habitat Protection District and Adding Definitions

The Ordinance 2012-06 has been aimed at resolving more than one issue.

The first issue at hand was finding ways to conditionally permit small parcel development when the restrictions of 21.18 might unduly reduce the development value of private property. Further considerations were to apply this remedy in a way that did not go beyond the values placed by the Assembly and Planning Commission during the years of administering 21.18. Thus the Ordinance 2012-06 and these amendments strive to strike a reasonable balance between development and conservation.

The second issue revolves around identifying the seaward starting point for the habitat protection district. Much work and discussion was invested in an attempt to define a logical and consistent methodology for making these determinations. The final result recognizes the differences between the types of anadromous waterbodies, identified in the Atlas of Anadromous Waters, as they enter seawater.

For riverine systems, the elevation of mean high tide establishes the seaward limit of the habitat protection district. Some of these riverine system "Mile Zero" points have already been determined, so the amendment does not change those determinations and maintains current practice.

For other types of systems, (seawater systems: braided channels, tide dominated deltas, estuaries and lagoons) it became apparent that the riparian area protections of 21.18 were not the ideal vehicle for establishing appropriate protections for these areas. Because of the

seawater dominated nature and potential variation of location and water coverage of these areas, the Habitat Protection District approach does not well achieve the goal of protecting water quality.

These amendments are the result of an interchange of ideas between the public, science professionals, borough administration, Assembly member Haggerty and myself. Ordinance 2012-06 and these amendments are an important step in providing balance to KPB 21.18.

Your careful consideration and support will be appreciated.