

Introduced by: Mayor
Date: 6/18/96
Hearing: 7/09/96
Action: Enacted as Amended
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-29**

**AN ORDINANCE AMENDING KPB CHAPTER 5.14,
KENAI RIVER SYSTEM HABITAT PROTECTION TAX CREDIT**

WHEREAS, the Kenai Peninsula Borough Assembly enacted Ordinance 95-32 establishing the Kenai River System Habitat Protection Tax Credit on November 21, 1995; and

WHEREAS, the Kenai Peninsula Borough has received specific comment that the ordinance is overly restrictive in the materials authorized for habitat protection and restoration does not authorize tax credits; and

WHEREAS, property owners are not able to receive the full benefit of the habitat protection tax credit due to its restrictive nature; and

WHEREAS, the Kenai Peninsula Borough Assembly wants to provide habitat protection tax credits to property owners desiring to protect and restore Kenai River habitat;

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

SECTION 1. That KPB 5.14.020.B and C. are amended as follows:

5.14.020. Administration.

B. Prior to beginning construction of a project for which one wishes to receive a tax credit, the property owner must submit an application for prequalification of the project to the planning director on a form provided by the planning director. This application must be accompanied by all necessary federal, state, and local permits or approvals for the project. Within 30 [10 BUSINESS] days of application, the planning director shall mail notice to the applicant as to whether the proposed project has prequalified. If this notice is not mailed as provided herein, prequalification is deemed denied.

C. Upon completion, the applicant must schedule an inspection of the project with the planning director. Within 30 [10 BUSINESS] days of this inspection, the planning director shall mail notice to the applicant on whether the project as completed qualifies for the tax credit. The notice shall contain a determination of the costs being allowed. A copy shall be sent to the assessor. If this notice is not mailed as provided herein, the tax credit is deemed denied.

SECTION 2. KPB 5.14.040 is amended as follows:

5.14.040. Allowed fish habitat protection and restoration projects.

A. [BOARDWALKS CONSTRUCTED SO THAT NO PART OTHER THAN THE POSTS UPON WHICH IT RESTS ARE WITHIN 8 INCHES OF THE LAND. THE SURFACE MUST

BE AT LEAST 25% OPEN TO THE LAND BELOW AND IT MUST BE MADE OF WOOD, PLASTIC, FIBERGLASS, OR ALUMINUM.] Gratewalk board walks, with at least 75 percent light penetration, must be constructed so that no part other than the supporting posts, are within 8 inches off the ground. Boardwalks with less than 75 percent but a minimum of 25 percent light penetration must be constructed so that no parts, other than supporting posts, are less than 18 inches off the ground. Board walks must be constructed of wood, plastic, fiberglass, aluminum, steel, or other non-toxic material. If the wood is treated, it must be certified as non-toxic to plants and animals by an independent laboratory or other appropriate agency.

B. Spruce trees cabled parallel to the river bank as a buffer between the water and the bank.

C. Steps and ladders across land adjacent to the river which is at least 10 degrees steep, or from any adjacent land into the water or onto a floating dock, constructed so that no part other than the posts upon which they rest are within 8 inches of the land. [THE SURFACE MUST BE AT LEAST 25% OPEN TO THE LAND BELOW AND THEY MUST BE MADE OF WOOD, PLASTIC, FIBERGLASS OR ALUMINUM..] Steps and ladders with less than 75 percent but a minimum 25 percent light penetration must be constructed so that no parts, other than supporting posts, are less than 18 inches off the ground. Steps and ladders must be constructed of wood, plastic, fiberglass, aluminum, steel, or other non-toxic material. If the wood is treated, it must be certified as non-toxic to plants and animals by an independent laboratory or other appropriate agency.

D. Floating docks issued the necessary permit or permits to build so long as the completed dock conforms to the standards applicable to the issuance of permits by permitting agencies.

E. Projects which prevent or reduce the likelihood that petroleum products, including petroleum products in water run off from roads, will enter the rivers. Where applicable, such projects must conform to any federal or state standards to be eligible for this tax credit.

F. Bank restoration, bank protection or habitat restoration projects that the assembly concludes protects the river's habitat or restores habitat provided the project complies with all conditions, regulations and approvals imposed by local, state or federal agencies. Projects required as mitigation for onsite or offsite habitat degradation, bank hardening, or other bank stabilization strategies not designed to improve habitat are exempted from the tax credit.

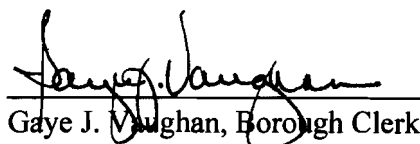
SECTION 3. That this ordinance becomes effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 9th DAY OF JULY, 1996.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk