

Introduced by Mayor
Date: 10/29/96
Hearing: 1/07/97
Action: Defeated
Vote: Unanimous No

**KENAI PENINSULA BOROUGH
ORDINANCE 96-48**

**AN ORDINANCE ESTABLISHING AN ADVISORY PLANNING COMMISSION
IN THE KASILOF-CLAM GULCH AREA**

WHEREAS, Pursuant to Alaska Statute 29.35.180, a second class borough provides all planning, platting, and land use regulation in accordance with AK 29.40; and,

WHEREAS, AK 29.40.010 states that a second class borough shall provide for planning, platting, and land use regulation on an areawide basis; and

WHEREAS, the Kenai Peninsula Borough ("the Borough") is a second class borough; and

WHEREAS, the governing body responsible for exercising this authority for the Borough is the Assembly and the Kenai Peninsula Borough Planning Commission; and,

WHEREAS, the Assembly has previously created local Advisory Planning Commissions within the Borough for the purpose of providing advice to the Borough Planning Commission on matters of local concern in carrying out its planning and land use regulation obligations; and

WHEREAS, there is a need for a local advisory planning commission in the community comprised of the residents of the area described as "Kasilof - Clam Gulch" to allow and encourage local participation in planning and land use regulation; and

WHEREAS, the Borough Commission voted by unanimous consent to recommend enactment of the ordinance to establish an advisory planning commission in the Kasilof-Clam Gulch area during their regularly scheduled October 14, 1996 meeting;

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

SECTION 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to be numbered 21.02.220 which shall read as follows:

21.02.220 Kasilof-Clam Gulch Advisory Planning Commission.

An advisory planning commission is established for the area of the borough known as Kasilof-Clam Gulch with boundaries as follows:

An area of land contained within the following boundary, all within the Seward Meridian, Alaska:

Commencing at the intersection of the north line of section 24, T4N, R12W and the easterly shoreline of Cook Inlet, also being the point of beginning;
thence east to the NE corner of Section 20, T4N, R11W;
thence south to the E1/4 of Section 20, T4N, R11W;
thence east to the C1/4 corner of Section 21, T4N, R11W;
thence south to the CS1/4 corner of Section 21, T4N, R11W;
thence west to the SW corner of Section 21, T4N, R11W;
thence south to the W1/4 corner of Section 28, T4N, R11W;
thence east to the C1/4 corner of Section 28, T4N, R11W;
thence south to the CS1/4 corner of Section 28, T4N, R11W;
thence east to the E1/16 corner of Section 28, T4N, R11W;
thence south to the NE1/16 corner of Section 33, T4N, R11W;
thence west to the CN1/16 corner of Section 33, T4N, R11W;
south to the C1/4 corner of Section 33, T4N, R11W;
thence west to the CW 1/16 corner of Section 33, T4N, R11W;
thence south to the W1/16 corner of Section 33, T4N, R11W, being a corner on the line common to T3N AND T4N, Range 11 West;
thence east along the line common to T3N and T4N, Range 11 West, a portion of which is also the centerline of Cardwell Road, to the west R/W line of the Sterling Highway;
thence continuing East across the Sterling Highway, along the common Township line, also being the Centerline of Cardwell Road and Cardwell Road extended, to the SE corner of Section 35, T4N, R11W, Also being a corner of the boundary of the Kenai National Wildlife Refuge (KNWR);
thence south along the KNWR boundary to the SE corner of Section 11, T3N, R11W;
thence west along the boundary of the KNWR to the SW corner of Section 10, T3N, R11W;
thence south along the KNWR boundary to the SE corner of Section 33, T3N, R11W;
thence west along the KNWR boundary to the SW corner of Section 33, T3N, R11W;
thence south along the KNWR boundary, crossing the Kasilof River, to the intersection of the KNWR and the southerly bank of the Kasilof River, within Section 8, T2N, R11W;
thence southeasterly along the southerly bank of the Kasilof River to the shoreline of Tustumena Lake within Section 27, T2N, R11W;
thence southeasterly along the shoreline of Tustumena Lake to the intersection of Tustumena Lake and the east line of Section 34, T2N, R11W;
thence south along the boundary of the KNWR to the SE corner of Section 10, T1N, R11W;
thence west to the CS1/4 corner of Section 10, T1N, R11W;
thence south to the CS1/4 corner of Section 15, T1N, R11W;
thence west to the SW corner of Section 16, T1N, R11W;
thence south to the SE corner of Section 32, T1N, R11W;
thence west along the line common to T1N and T1S to the intersection of the south line of Section 33, T1N, R13W and the easterly shoreline of Cook Inlet;
thence northeasterly and northerly along the shoreline of Cook Inlet to the intersection of the shoreline and the north line of Section 24, T4N, R12W and the point of beginning.

SECTION 2. That the Kasilof-Clam Gulch Advisory Planning Commission is hereby empowered and authorized to act in accordance with the provisions of Kenai Peninsula Borough 21.02 in advising the Borough Planning Commission on planning and land use regulation matters affecting that community.

SECTION 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 1997.

Andrew P. Scalzi, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk