

Introduced by: Mayor at the request
of Planning Commission
Date: 4/22/97
Hearing: 5/20/97
Action: Enacted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 97-27**

**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 Assembly amended Chapter 5.14 through the enactment of Ordinance 96-29 on July 9, 1996; and

WHEREAS, the construction specification standards identified in Chapter 5.14 are more appropriately located in Chapter 21.18, Kenai River Habitat Protection; and

WHEREAS, it would be beneficial to property owners if a specific date was established for completion of final inspections for which the tax credit is sought; and

WHEREAS, the Planning Commission has provided copies of the proposed ordinance to the Cities of Kenai and Soldotna, advisory planning commissions for Cooper Landing, Funny River and Moose Pass, and held three public hearings; and

WHEREAS, the Planning Commission recommended enactment of the amendments by unanimous consent during the regularly scheduled March 24, 1997 meeting;

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

SECTION 1. That KPB Chapter 5.14.020(C) of the borough code of ordinances shall be amended as follows:

5.14.020. Administration.

C. Upon completion, the applicant must schedule an inspection of the project with the planning director. Inspections must be scheduled no later than January 15 of the year for which the tax credit is sought. Within 10 business days of this inspection, the planning director shall mail notice to the applicant 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. That KPB 5.14.040 of the borough code of ordinances shall be amended as follows:


5.14.040. Allowed fish habitat protection and restoration projects.

Only the following projects may be considered for the tax credit:

- A. Gratewalks and boardwalks meeting specifications established in KPB 21.18.070(B)4.
- B. Spruce trees cabled parallel to the river bank as a buffer between the water and the bank.
- C. Stairways, steps and ladders meeting specifications established in KPB 21.18.070(B)5.
- 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 protect the river's habitat or restore 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 shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20th DAY OF MAY, 1997.



Jack Brown, Assembly President

ATTEST:



Borough Clerk