

Introduced by: Mayor
Date: 06/05/01
Hearing: 07/10/01
Action: Failed Introduction
Vote: 3 Yes, 6 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-20**

**AN ORDINANCE AMENDING KPB CHAPTER 21.18, ANADROMOUS STREAMS
HABITAT PROTECTION, TO EXCLUDE PARCELS IN THE POACHER'S COVE
SUBDIVISION FROM THE HABITAT PROTECTION AREA**

- WHEREAS,** KPB Chapter 21.18 creates an anadromous stream habitat protection area including all land within 50 feet of the streams listed in KPB 21.18.025; and
- WHEREAS,** prior to the enactment of KPB Chapter 21.18, the borough approved the Poacher's Cove subdivision plat containing many lots adjacent to affected waterways which are 50 feet deep or less; and
- WHEREAS,** in the five years since KPB Chapter 21.18 was enacted, the planning commission has approved conditional land use permits for the majority of such small parcels; and
- WHEREAS,** continuing to require every such application to proceed through the process is burdensome on both the property owner and the administration; and
- WHEREAS,** Poacher's Cove Subdivision is unique in that the entire subdivision is largely gravel with little or no vegetation that would be protected by the measures in KPB 21.18, and almost every lot within the habitat protection area established in KPB 21.18 is developed; and
- WHEREAS,** a review of the borough G.I.S. system reveals that approximately 80 parcels and 2,535 feet of river frontage would be affected by this ordinance; and
- WHEREAS,** at its meeting of _____, 2001, the Planning Commission considered this ordinance and recommended _____;

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

SECTION 1. That KPB 21.18.040 is amended as follows:

21.18.040. Habitat protection area established.

There is established an anadromous stream habitat protection area. Except as otherwise provided in this section, this area includes all lands within 50 horizontal feet of

the streams set forth in KPB 21.18.025. This shall be measured from the ordinary high water mark or mean high water line in tidal areas. Where the banks within this 50-foot area consist of a 60 degree or more cut bank the habitat protection area shall consist of the greater of 50 feet from the river or to a point 25 feet back from the top of the cut bank. Poacher's Cove Planned Unit Development Amended, Plat KN870069, as recorded in Third Judicial District, State of Alaska, is excluded from the habitat protection area.

SECTION 2. This ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS *
DAY OF * 2001.**

Timothy Navarre, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk