

Introduced by:	Mayor
Date:	04/15/08
Shortened Hearing:	05/06/08
Action:	Enacted as Amended
Vote:	7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-12**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE FINAL PLAN  
AMENDMENT OF THE KENAI PENINSULA BOROUGH'S COASTAL ZONE  
MANAGEMENT PLAN**

**WHEREAS,** the Kenai Peninsula Borough Coastal Management Program provides and has provided coordinated planning and project consistency reviews under the Alaska Coastal Management Program since 1990; and

**WHEREAS,** the Alaska Legislature mandated that all Coastal District plans be updated and adopted by local ordinance prior to September 1, 2007; and

**WHEREAS,** the Kenai Peninsula Borough Coastal Management Plan is being amended in accordance with the revised Alaska Coastal Management Program (ACMP) statutes at AS 46.39 and AS 46.40 and the new ACMP regulations at 11 AAC 110, 11 AAC 112, and 11 AAC 114; and

**WHEREAS,** the Kenai Peninsula Borough circulated the draft plan amendment for public review and comment in accordance with state law at 11 AAC 114.345, considered all comments and resolutions received during the public review and comment period, and incorporated any necessary changes into the final plan; and

**WHEREAS,** in Ordinance 2007-25, the Kenai Peninsula Borough adopted amendments to the final plan on August 21, 2007; and

**WHEREAS,** the Kenai Peninsula Borough's Draft Plan Amendment language in Enforceable Policy 3.3, Public Access policy as originally submitted stated:

“An access management plan detailing how the access route will be protected from adverse physical impacts as a result of public use, shall be required for all public access routes to coastal water bodies, lakeshore and riverfronts within designed recreational use areas when municipal and state lands are leased, dispose of or subdivided.” And

**WHEREAS,** the Alaska Department of Natural Resources did not adopt the Office of Project Management and Permitting's Final Finding and Conclusions amending the Kenai Peninsula Borough's Coastal Management Plan and instead approved an amendment to Policy 3.3., Public Access, as is set forth in Section 1 of this ordinance; all other sections of the Kenai Peninsula Borough's Coastal Management plan remain unchanged; and

**WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of April 14, 2008 recommended enactment by unanimous consent.


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

**SECTION 1:** Enforceable Policy 3.3, Public Access, of the Kenai Peninsula Borough Coastal Management Plan is hereby amended to read:

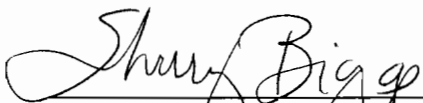
“An applicant shall detail in the project application how legal public access routes to coastal water bodies lakeshores and riverfronts will be protected from adverse physical impacts as a result of public use, where practicable.”

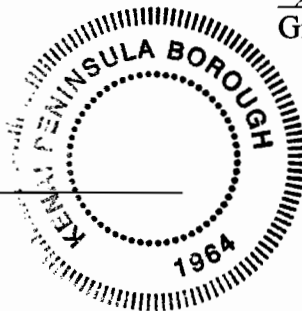
**SECTION 2:** This ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6TH DAY OF MAY, 2008.**

  
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Grace Merkes, Assembly President

ATTEST:

  
\_\_\_\_\_  
Sherry Biggs, Borough Clerk



Yes: Gilman, Knopp, Long, Martin, Smith, Sprague, Merkes  
No: None  
Absent: Fischer, Superman