



KENAI PENINSULA BOROUGH

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: David Carey, Borough Mayor *C. Chapman for Dave Carey*

FROM: *[Signature]* John Mohorcich, Director, Donald E. Gilman River Center

DATE: February 2, 2010

SUBJECT: Ordinance 2010-12, Title 21.18 Review and Recommendations

Attached is the first round of proposed revisions to officially start the review and revision of the habitat protection ordinance. The code has not been updated since May of 2000, when 24 streams were added. No substantive changes have been made to the code since its adoption in 1996.

KPB 21.18.030 calls for a regular review of the benefits and effectiveness of the chapter. In preparation of this review the borough supported a study completed by the Kenai Watershed Forum in 2009. This study was made possible by a grant from the AK Department of Environmental Conservation. On January 19, 2010, Robert Ruffner of the Kenai Watershed Forum presented the findings of this review process to the assembly. Mr. Ruffner has also presented this information to the KPB Planning Commission, the Kenai River Special Management Area Board and the recently formed KPB 21.18 Interest Group. All of the grant reports and findings are available on the Donald E. Gilman River Center web site <http://www.kenairivercenter.org/workinggroup/index.html> if you would like to access them.

To begin the code review process, staff has presented a power point presentation to the KPB 21.18 Interest Group, the KPB Planning Commission and to the Kenai River Special Management Area Board. This ordinance includes our first set of recommended code changes. It is our intent to begin the process with a small number of issues and proposed fixes. We hope this will allow us all to work within a process and to prepare us for the larger policy issues forthcoming in Phases II & III.

The ordinance for introduction includes proposed changes to four separate sections of the existing code: 21.18.030 Periodic Review; 21.18.035 Kenai River Watershed District; 21.18.040

Habitat protection area established (60 degree cut bank requirement), and 21.18.050 Floodplain requirements. The rationale supporting each proposed revision is detailed in the power point presentation included in the assembly's packet.

Staff's proposed recommendations are based on shortcomings of current code language, our experience in the field, research of similar municipal codes, goals and policies of the Kenai Peninsula Borough Comprehensive Plan and public input through the 21.18 Interest Group. There are several specific goals within the Borough's comprehensive plan that directly relate to this re-write effort, and goal 7.2 provides the broad framework for our efforts:

"To achieve and maintain a high level of water quality in the surface waters, wetlands, groundwater and marine waters of the Kenai Peninsula Borough."

We recognize we may be looking at quite an involved process ahead of us. In support of this first comprehensive review undertaken since the code's inception staff is available to assist if the assembly decides to create a subcommittee or schedule specific work sessions throughout this effort.