



## **KENAI PENINSULA BOROUGH**

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**DAVID R. CAREY  
BOROUGH MAYOR**

### **MEMORANDUM**

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

**THRU:** David R. Carey, Borough Mayor *DRC by C Chipma*

*JS* **FROM:** John Mohorcich, Director, Donald E. Gilman River Center

**DATE:** April 8, 2010

**SUBJECT:** Ordinance 2010-21, KPB Chapter 21.18 review and recommendations

KPB 21.18.030 calls for a regular review of the benefits and effectiveness of KPB 21.18. In preparation for this review the borough supported a study completed by the Kenai Watershed Forum, (KWF) in 2009. All of the KWF reports and findings are available on the Donald E. Gilman River Center web site <http://www.kenairivercenter.org/workinggroup/index.html>. Attached is the second round of proposed revisions to the habitat protection ordinance as part of the Phase 1 review process.

The ordinance for introduction includes proposed changes to five separate sections of the existing code: 21.18.060 Prohibited activity, 21.18.080 Conditional use permits, 21.18.090 Prior existing activities, 21.18.091 Mitigation measures and 21.18.040 Habitat protection area. At the request of staff, Section 21.18.040 was removed from Ordinance 2010-12 enacted On April 6, 2010. We have properly revised this section and it is included for consideration. The supporting power point presentation has been included in the assembly packet.

As part of the code review process, staff has presented power point presentations to the KPB 21.18 Interest Group, the KPB Planning Commission, and to the Kenai River Special Management Area Board regarding these recommended changes.

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.