

Introduced by: Merkes
Date: 4/16/96
Action: Withdrawn by Sponsor
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 96-035**

**A RESOLUTION DECLARING THE INTENT OF THE KPB ASSEMBLY TO
ESTABLISH A KENAI RIVER PLANNING COMMISSION**

WHEREAS, all Kenai Peninsula streams and rivers are of vital economic, social, and recreational value to the residents of the Kenai Peninsula and the citizens of the State of Alaska; and

WHEREAS, the Kenai River's 309 studies state that the Kenai River's habitat is affected by many different variables including but not limited to water velocities, undercut banks, bank erosion, overhanging vegetation, gravel and cobble substrates, water levels, and seasons of the year, as well as human bank trampling; and

WHEREAS, there are existing aerial photographs and video graphic resolutions which will allow for habitat classification by small parcel size, and which are conclusive in showing that there are different conditions in each section of the Kenai River concluding that no one action alone will promote and enhance the Kenai River's habitat; and

WHEREAS, public testimony has indicated that proposed Ordinance 96-06 does not meet the stated purpose of protection of the Kenai River's habitat; and

WHEREAS, the majority of testimony has been in opposition to the ordinance and requests have been made for more detailed consideration of the diverse habitat of the river's 166 miles of water frontage;

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

SECTION 1. That the Kenai Peninsula Borough Assembly declares its intent to establish a Kenai River Planning Commission to evaluate and assess all property fronting the Kenai River and its tributaries.

SECTION 2. That the Kenai River Planning Commission will be charged with defining a Kenai River Corridor and developing guidelines for determination of which property should be governed by the Commission. The Commission will also be charged with determining suitability for different types of development, and development guidelines to safeguard the river and its habitat. The Commission will be further

charged with formulating regulations, granting or denying conditional use permits, reviewing site plans, and performing such other functions as delegated by the Assembly exclusive of platting authority. Decisions of the Commission shall be subject to the Kenai Peninsula Borough appeals process.

SECTION 3. That the Commission shall be comprised of 7 members including five property owners appointed in compliance with KPB 2.40.030 and selected one from each of the Five Reaches of the Kenai River as described in the Kenai River 309 Study, and two members of the Assembly whose district includes the Kenai River.

SECTION 4. That the Kenai River Commission shall be authorized to employ an independent professional biologist and hydraulic engineer or hydrologist to assist in the initial assessment and scientific evaluation. The Commission shall present recommendations and guidelines to the Assembly within one year. The goal of the Commission will be to ensure the continued viability of the Kenai River, and its uses for sport and commercial fishing values, property values, commercial development, low and high density residential development, and habitat values. The Planning Department shall serve as staff to the Commission.

SECTION 5. That the terms of the public members shall be for staggered three year terms. Assembly members shall be appointed annually by the Assembly President.

SECTION 6. That the Kenai Peninsula Borough Assembly will begin plans for assessing all other streams and rivers of the Kenai Peninsula Borough.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 1996.

Andrew P. Scalzi, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk