

Introduced by:	Mayor
Date:	06/06/00
Hearing:	07/18/00, 08/01/00
Action:	Amended & Postponed until 08/01/00
Action:	Postponed until 08/15/00
Action:	Enacted
Date:	08/15/00
Vote:	6 Yes, 2 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-22**

**AN ORDINANCE PLACING ON THE BALLOT THE QUESTION OF
WHETHER ROAD CONSTRUCTION POWERS SHALL BE ADOPTED
WITHIN THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA**

WHEREAS, the road service area (RSA) has improvement and maintenance powers; and

WHEREAS, there is often a fine distinction between improvement and construction; and

WHEREAS, many residents believe the RSA has construction powers; and

WHEREAS, the borough finds it necessary to perform road construction pursuant to other powers which limits the borough's ability to provide essential services and services which enhance the quality of life for borough residents; and

WHEREAS, adoption of construction powers will enable the borough to engage in construction projects that are substantially funded through grants;

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

SECTION 1. That a proposition in substantially the following form be placed on the ballot at the October 3, 2000, election:

Shall road construction powers be adopted within the boundaries of the Kenai Peninsula Borough Road Service Area as described by KPB 16.41.010.

SECTION 2. That KPB 16.41.070 shall be amended as follows:

16.41.070. Board—Powers and duties.

Pursuant to the provisions of AS 29.35.490, the board of directors of the service area, subject to assembly approval and appropriation of

funds, shall have the power to provide for construction, improvement, and maintenance of roads within the service area, and shall promptly furnish accurate and complete copies of minutes of all board meetings to the mayor and the assembly. Standards for construction and improvement for certification for maintenance shall be adopted by the board and approved by the assembly. Criteria for the provision of services within the road service area shall be established by board resolution and made available to the public.

SECTION 3. 16.41.190. Road construction projects - Assembly Approval

- A. Annually the Road Service Area Board shall make a report and recommendation to the Assembly regarding whether any road construction projects should be undertaken. In making the board's recommendation, the following criteria supports consideration of a construction project:
1. Whether there is available road service area funding;
 2. Whether the road accesses public lands or facilities;
 3. Whether the road is a collector road;
 4. Whether there are funding sources in addition to road service area funds available for the project; and
 5. Whether the construction will provide an improved alternate route to a road currently certified for maintenance.
- B. Specific road construction projects shall be approved by the assembly upon consideration of the Road Service Area Board's recommendation.
- C. The Road Service Area Board shall recommend to the Assembly, for approval, procedures for implementing the criteria in KPB 16.41.190(A).

SECTION 4 [3]. That KPB 14.41. 200 [190] is adopted as follows:

16.41. 200 [190]. Definitions.


Construction: For purposes of this chapter, "construction" means road development in a dedicated borough right-of-way where there has been no road bed development within the right-of-way.

Improvement: For purposes of this chapter, "improvement" means excavation and/or placement of material within a previously constructed right-of-way.

Maintenance: "Maintenance" means snow removal; grading; replacing lost gravel (up to a depth of 6 inches); reshaping shoulders, slopes and ditches; unplugging culverts and clearing ditches; filling potholes; dust control; and other activities consistent with sound road maintenance practice.

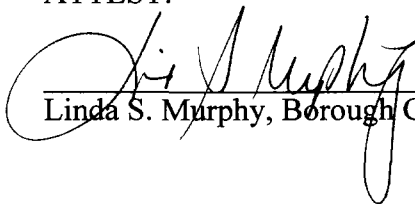
SECTION 5 [4]. That Sections 1 and 5 of this ordinance take effect immediately upon its enactment. Sections 2, 3 and 4 of this ordinance shall take effect upon approval of the proposition in Section 1 by the majority of voters in the service area voting on the proposition at the regular borough election to be held on October 3, 2000, and upon the date the October 3, 2000 election is certified by the borough assembly or the date the U.S. Department of Justice issues its nonobjection to preclearance, whichever is later. If the U.S. Department of Justice does not issue a nonobjection to preclearance, the effective date shall be 60 days from the date of receipt of the ballot proposition for preclearance by the U.S. Department of Justice or the date of the certification of the election results, whichever is later. If an objection is imposed by the U.S. Department of Justice, the ordinance shall not be effective until the objection is resolved.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF AUGUST, 2000.

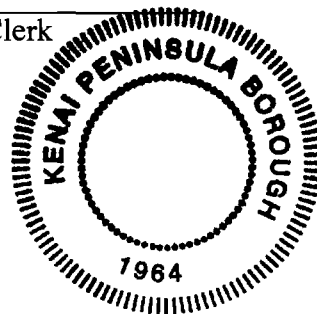


William Popp, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk



Ordinance 2000-23

Renumbered to 2000-19-04G

Introduced by: Sprague, Popp, Navarre
Date: 06/06/00
Hearing: 07/18/00, 08/01/00
Action: Enacted as Amended
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-24**

**AN ORDINANCE AMENDING KPB CHAPTER 5.14, KENAI RIVER SYSTEM
HABITAT PROTECTION TAX CREDIT, TO INCLUDE OTHER ANADROMOUS
STREAMS WITHIN THE BOROUGH AND ELIMINATE THE SUNSET CLAUSE**

WHEREAS, KPB Chapter 5.14 was enacted in 1995 to provide a tax credit for qualifying habitat protection and restoration projects along the Kenai River; and

WHEREAS, on May 11, 2000, Governor Knowles signed House Bill 25 which allows municipalities to extend this property tax credit to land along rivers other than the Kenai River; and

WHEREAS, the Kenai River Habitat Protection Ordinance has been beneficial in encouraging protection of the Kenai River and its tributaries; and

WHEREAS, KPB Chapter 21.18 restricts development within a habitat protection area along the Kenai River; and

WHEREAS, in Ordinance 2000-08, the Kenai Peninsula Borough Assembly extended KPB Chapter 21.18 to include certain other anadromous streams within the borough; and

WHEREAS, pursuant to Ordinance 98-61 the tax credit is scheduled to expire December 31, 2001; and

WHEREAS, most of the streams are narrow, and the use of spanned bridges will help protect habitat; and

WHEREAS, the assembly finds the best interests of the borough and public would be served by offering this tax credit to property owners along these newly added rivers and streams and by eliminating the sunset clause; and

WHEREAS, the planning commission conducted a public hearing for this proposed ordinance on June 12, 2000 and recommended enactment.

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

SECTION 1. That the title to KPB Chapter 5.14 shall be amended as follows:

Chapter 5.14. [KENAI RIVER SYSTEM] Habitat Protection Tax Credit

SECTION 2. That KPB 5.14.010 shall be amended as follows:

5.14.010. Purpose.

The purpose of this chapter is to promote the health of [THE KENAI RIVER] the following anadromous streams [SYSTEM] by providing tax credits as partial reimbursement for habitat protection and restoration project expenses on and adjacent to these streams [KENAI RIVER AND ITS TRIBUTARIES.]:

1. Kenai River, Stream No. 244-30-10010, and its tributaries
2. Swanson River, Stream No. 247-90-10020
3. Kasilof River, Stream No. 244-30-10050
4. Ninilchik River, Stream No. 244-20-10090
5. Deep Creek, Stream No. 244-20-10100
6. Stariski Creek, Stream No. 244-10-10050
7. Anchor River, Stream No. 244-10-10010
8. Fox River, Stream No. 241-14-10645
9. Seldovia River, Stream No. 241-11-10730
10. English Bay River, Stream No. 241-30-10500
11. Bradley River, Stream No. 241-1410625-2010
12. Bishop Creek, Stream No. 246-90-10030
13. Chickaloon Creek, Stream No. 247-60-10110
14. North Fork of Anchor River, Stream No. 24410-10010-2011
15. Seven Egg Creek, Stream No.24780-10010

SECTION 3. That KPB 5.14.030(D) shall be amended as follows:

- D. All projects must be located within 150 horizontal feet from the mean high tide line or ordinary high water line of the rivers and streams listed in KPB 5.14.010. [KENAI RIVER OR ITS TRIBUTARIES AS DEFINED IN AS 29.45.046(B)(2).]

SECTION 4. That KPB 5.14.040 shall be amended as follows:

5.14.040. Allowed fish habitat protection and restoration projects.

Only the following projects may be considered for the tax credit:

- A. Gratewalks, [AND] boardwalks, and bridges and spans meeting specifications established in KPB 21.18.070(B)4.
- B. Spruce trees cabled parallel to the river bank as a buffer between the water and the bank.