

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:

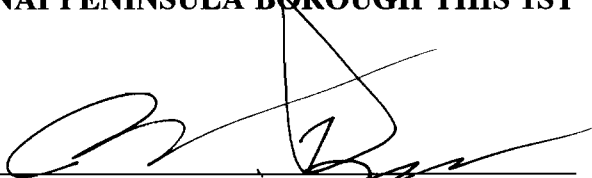
- A. Gratewalks, [AND] boardwalks, and bridges and spans meeting specifications established in KPB 21.18.070(B)4.
- B. Spruce trees cabled parallel to the river bank as a buffer between the water and the bank.

- C. Stairways, steps and ladders meeting specifications established in KPB 21.18.070(B)5.
- D. Floating docks issued the necessary permit or permits to build so long as the completed dock conforms to the standards applicable to the issuance of permits by permitting agencies.
- E. Projects which prevent or reduce the likelihood that petroleum products, including petroleum products in water run off from roads, will enter the rivers. Where applicable, such projects must conform to any federal or state standards to be eligible for this tax credit.
- F. Bank restoration, bank protection or habitat restoration projects that protect the river's habitat or restore habitat provided the project complies with all conditions, regulations and approvals imposed by local, state or federal agencies. Projects required as mitigation for onsite or offsite habitat degradation, bank hardening, or other bank stabilization strategies not designed to improve habitat are exempted from the tax credit.
- G. Removal of structures from within the habitat protection area established in KPB 21.18.040.

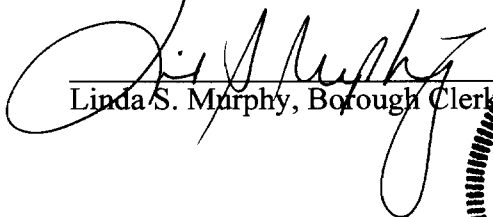
SECTION 5. That the expiration date of December 31, 2001, in Ordinance 98-61 is hereby repealed.

SECTION 6. That this ordinance shall take effect August 9, 2000.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF AUGUST, 2000.


William Popp, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

