

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PAM*
Robert Ruffner, Planning Director *RR*

FROM: Samantha Lopez, River Center Manager *SL*

DATE: May 27, 2025

SUBJECT: Ordinance 2025- 12 , Amending KPB 21.18.081 to Clarify the Requirements for Conditional Use Permits and Amending KPB 21.18.140 to Define “Water-Dependent” (Mayor)

The Kenai Peninsula Borough (KPB) is home to vital watersheds that our salmon require to spawn, rear, and grow in. Maintaining watershed connectivity via riparian habitat buffers along anadromous waterbodies is one crucial tool that has proven to aid in sustaining the Kenai Peninsula’s salmon populations. It is important that these buffers are developed in ways that allow property owners to recreate while also maintaining a healthy riparian habitat that benefits our salmon.

The KPB Planning Commission is tasked with reviewing applications for Conditional Use Permits (CUP) for developments within the Habitat Protection District (HPD). Their review is quasi-judicial and requires code that sets standards for which the commission may set conditions to meet those standards and are supported by findings.

To approve a CUP, the project must meet all five general standards. One of the standards states that “the proposed use or structure is water-dependent”. Because code did not previously define “water-dependent”, the Planning Commission drafted PC Resolution 2015-35. To provide for consistency in the analysis of permit applications and approval of permits, the ordinance amends code to formally define “water-dependent” and clarify the conditional uses and structures that may be approved within the HPD. The ordinance also provides additional clarification for fences and utilities that have proven challenging for commissioners to reconcile with the water dependent standard.

Your consideration is appreciated.