



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Dale Bagley, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor *MN*

FROM: ~~Holly~~ Montague, Deputy Borough Attorney

DATE: June 16, 2015

SUBJECT: Postponement of Ordinance 2015-14, An Ordinance Amending KPB Chapter 21.18 to Repeal the Kenai River, Major Waters, West, South, and North Districts and Add the Kenai River Watershed District and Kasilof River Watershed District

The question has been raised as to whether the hearing on ordinance 2015-14 regarding changes to the anadromous waters ordinance should be postponed because it has not been heard by the borough planning commission. KPB 22.40.190 requires that assembly decisions impacting land use not be made without giving consideration to the recommendations, if any, of the planning commission, advisory planning commissions, and active community councils. Additionally, KPB 21.10.020 requires the ordinance, which also regulates waters within the city limits, to be submitted to the city advisory planning commissions. AS 29.40.020 and .040 which address legislatively delegated planning commission responsibilities states the planning commission shall review recommend, and administer land use regulations.

Given these statutory and ordinance directives ordinance 2015-14 should be postponed for the opportunity for the borough planning commission, advisory planning commissions, and any active community councils to make comments and recommendations.