

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

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

FROM: Samantha Lopez, River Center Manager *SL*

DATE: June 26, 2025

RE: **Administrative Amendment #1** Amending 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)

This Administrative Amendment #1 amends Ordinance 2025-12 to: 1) provide for “permanent structures such as fences” as additional allowed uses on lakes in KPB 21.81.071; 2) to remove surplus language in the original draft Ordinance (KPB 21.18.081(B)(2)(b); and 3) to remove signs and fences from the “water dependent” standard in KPB 21.18.081(D)(4) because fences and signs are expressly allowed by KPB 21.18.081(B)(2) and (3), respectively.

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

SECTION 1. That this ordinance amends KPB Code and will be codified.

➤ Add a new Section 2 to read as follows:

SECTION 2. That KPB 21.18.071 is hereby amended as follows:

21.18.071. Staff permits.

- A. An application for a permit shall be made and a permit issued before commencement of certain activities, uses, and structures set forth in this section if they do not result in significant erosion, sedimentation, damage to the habitat protection district, an increase in ground or surface water pollution, and damage to the riparian wetlands and riparian ecosystems. Property owners are encouraged to contact the Kenai River Center staff to determine if these impacts are likely to occur before starting the project. An application for a permit shall be made to the Kenai Peninsula Borough planning department central office or at the river center. Upon determination that the submitted information of record supporting the permit application meets the requirements of this section, staff shall issue a permit for the following activities, uses, and structures in the habitat protection district:

...

5. Within the habitat protection district adjacent to a lake, impervious coverage is allowed up to 10% of the habitat protection district, not to exceed a total of 500 square feet,

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provided that within 10' of the shoreline, no more than 25% of native vegetation is removed.

Allowable uses include structures for temporary use such as gazebos, barbecues, walkways, fire pits, decks and saunas, **and permanent structures such as fences.**

Mitigation measures shall be provided to help offset the loss of vegetation. Mitigation measures include, but are not limited to, reserving uplands for native vegetation, or other measures which compensate by reserving equivalent footage of riparian area vegetation.

...

- Renumber the remaining Sections accordingly.
- Amend Section 3 at KPB 21.18.081(B)(2)(b) and at KPB 21.18.081(D)(4) to read as follows:

21.18.081. Conditional use permit.

...

- b. At least twenty (20) feet of the fence nearest to the waterbody will be seasonally removed to facilitate wildlife crossings and the unobstructed flow of flood waters. More of the fence may be required to be seasonally removed if the Planning Commission finds it is necessary to facilitate these standards.

...

- 4. The proposed use or structure is water-dependent, **except for fences and signs, as such uses are expressly allowed by KPB 21.18.081(B)(2) and (3), respectively.**

Your consideration appreciated.