

E. NEW BUSINESS

6. Conditional Use Permit; PC Resolution 2025-11

Applicant: City of Soldotna

Request: Install 80 linear feet of wooden fence parallel to the river

Location: 349 Centennial Park Road

City of Soldotna

(Staff Person: Planner Morgan Aldridge)

Multi-Agency Permit Application
Kenai Peninsula Borough
River Center

514 Funny River Road
Soldotna, Alaska 99669
KenaiRivCenter@kpb.us

Phone: (907) 714-2460
Fax: (907) 260-5992

Fees Received: \$ _____

☐ Cash

☐ Check # _____

CREDIT CARDS NOT ACCEPTED
FOR APPLN FEES

PROPERTY OWNER:

Name: City of Soldotna
Mailing: 538 Arena Ave
Soldotna, AK 99669
Phone: (907) 714-1210
Email: parks@soldotna.org (jhester@soldotna.org)

AGENT: (if applicable)

Name: _____
Mailing: _____
Phone: _____
Email: _____

PROJECT LOCATION:

KPB Parcel ID: 060-011-26
Physical Address: 349 Centennial Park Road
Subdivision: unsubdivided remainder
Lot: _____ Block: _____ Addition/No.: _____

WATERBODY INFORMATION:

Waterbody: Kenai River
River Mile: 20.25
Riverbank: ☒ Left ☐ Right (looking downstream)

PERMIT FEES:

☐ \$50 - Staff Permit **OR** ☒ \$300 - Conditional Use or Floodway Analysis

PROJECT:

☐ New Project **OR** ☐ Extension/Amendment to RC# _____

Please select all activities that apply to your project:

- | | | |
|--|--|--|
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Fish & Wildlife Management | <input type="checkbox"/> Road Construction |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Floating Dock | <input type="checkbox"/> Structure (Accessory) |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Fuel Storage Green Infrastructure | <input type="checkbox"/> Structure (Residential) |
| <input type="checkbox"/> Coir Logs | <input type="checkbox"/> In-Stream Structures (Weir) | <input type="checkbox"/> Spruce Tree Revetment |
| <input type="checkbox"/> Culvert | <input type="checkbox"/> Oil & Gas | <input type="checkbox"/> Stream Crossing |
| <input type="checkbox"/> ELP Structures | <input type="checkbox"/> On-Site Utilities | <input type="checkbox"/> Utility Line/Easement |
| <input type="checkbox"/> Equipment Stream Crossing | <input type="checkbox"/> Prior-Existing Structure | <input type="checkbox"/> Veg Mat |
| <input type="checkbox"/> Excavation, Dredging, and/or Fill | <input type="checkbox"/> Revegetation | <input type="checkbox"/> Vegetation Removal |
| <input checked="" type="checkbox"/> Fence Installation | <input type="checkbox"/> Root Wads | <input type="checkbox"/> Water Withdrawal |
| | | <input type="checkbox"/> Other: _____ |

PROJECT DESCRIPTION: Provide a detailed description of your project, attach additional pages if necessary.

Installation of 80 linear feet of wooden fencing along the gravel path south of the bank stabilization and restoration project. The fencing will include installation of 4 x 4 posts into the ground with treated lumber cross beams.

COST-SHARE: Is this project funded by the ADFG-USFWS Cost-Share Program? ☐ Yes ☒ No

KPB TAX CREDIT PROGRAM: KPB provides a tax credit as partial reimbursement for new habitat protection and restoration projects within 150 feet of anadromous streams. If you would like to pre-qualify for this credit, please provide your estimated project cost(s) below. Do not include grants or other funding assistance:

Elevated Light-Penetrating Structures \$ _____ Other Activities \$ _____
Habitat Restoration & Protection \$ _____ Green Infrastructure \$ _____

PROJECT QUESTIONS:

1. Start date: August 18, 2025 End date: September 30, 2025 Estimated Days of Construction: 7
2. Is any portion of the work already complete? If yes, please describe: ☐ Yes ☒ No

3. Is your project located on land or waters of an Alaska State Park? ☐ Yes ☒ No

If yes, you must fill out an Alaska State Parks application at: dnr.alaska.gov/parks/permit

Ordinary High Water (OHW) and Mean High Water (MHW):

4. Is the project located within 50 feet of OHW or MHW a waterbody? ☒ Yes ☐ No
5. Does any portion of the project extend below the OHW or MHW of the waterbody? ☐ Yes ☒ No
6. Does any portion of the project cantilever or extend over the MHW of the waterbody? ☐ Yes ☒ No
7. Will anything be placed below OHW or MHW of the waterbody? ☐ Yes ☒ No

Regulatory Floodplains:

8. Is the property where the project is taking place near or within a regulatory floodplain?
a. Is this project within or adjacent to a regulatory floodway? ☒ Yes ☐ No
b. Is this project within or adjacent to a coastal high hazard zone? ☒ Yes ☐ No
c. For new buildings and/or additions, list all project costs (labor, materials, etc.): \$ _____

Excavation, Dredging, and Fill:

9. Will material be excavated or dredged from the site? ☐ Yes ☒ No
a. Type of material(s): treated lumber
b. Area to be dredged below OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
c. Area to be excavated above OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
d. Location materials will be deposited: outside of the 50 ft. habitat protection area
10. Will any material (including soils, debris, and/or overburden) be used as fill? ☐ Yes ☒ No
a. Type of material(s): _____
b. Is this fill permanent or temporary? ☐ Permanent ☐ Temporary
c. Area to be filled above OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
d. Area to be filled below OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____

Motorized Equipment:

11. Will you be using motorized equipment for this project? If yes, please list all equipment: ☒ Yes ☐ No
auger for the bobcat if there is rock when placing the fence posts
a. Will you be crossing a stream or waterbody? ☐ Yes ☒ No
b. How long will equipment be used below OHW or MHW? _____

SIGNATURE & CERTIFICATION:

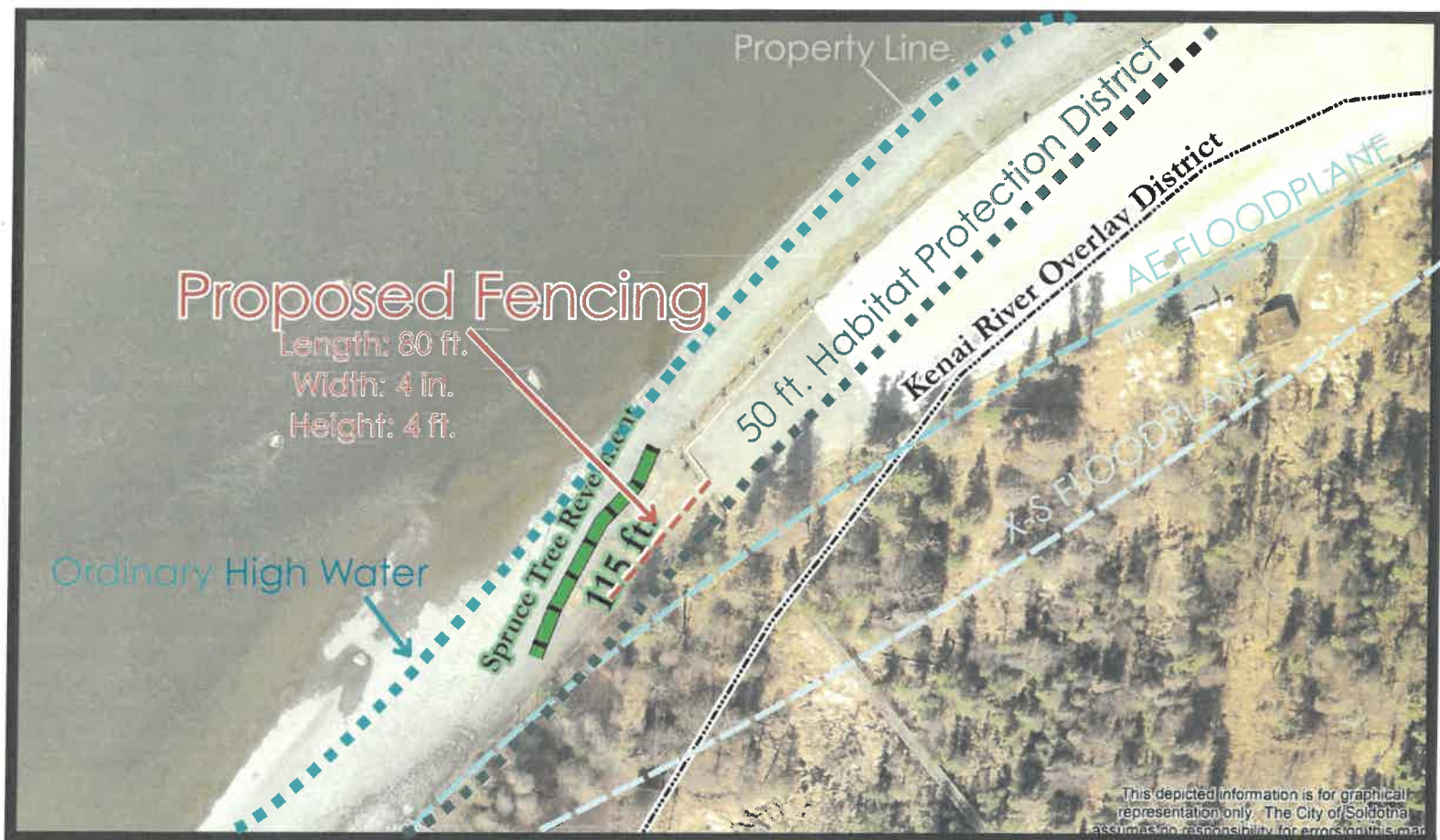
This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge and that my site plans or drawings are attached. If applying for a tax credit, I certify that I have not begun construction of the project and that the project will be constructed to the standards in KPBS 5.12 Real Property and Personal Property Taxes, KPBS 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local regulations.

Owner Signature (required)

Date

Agent Signature (if applicable)

Date





City of Soldotna Fence

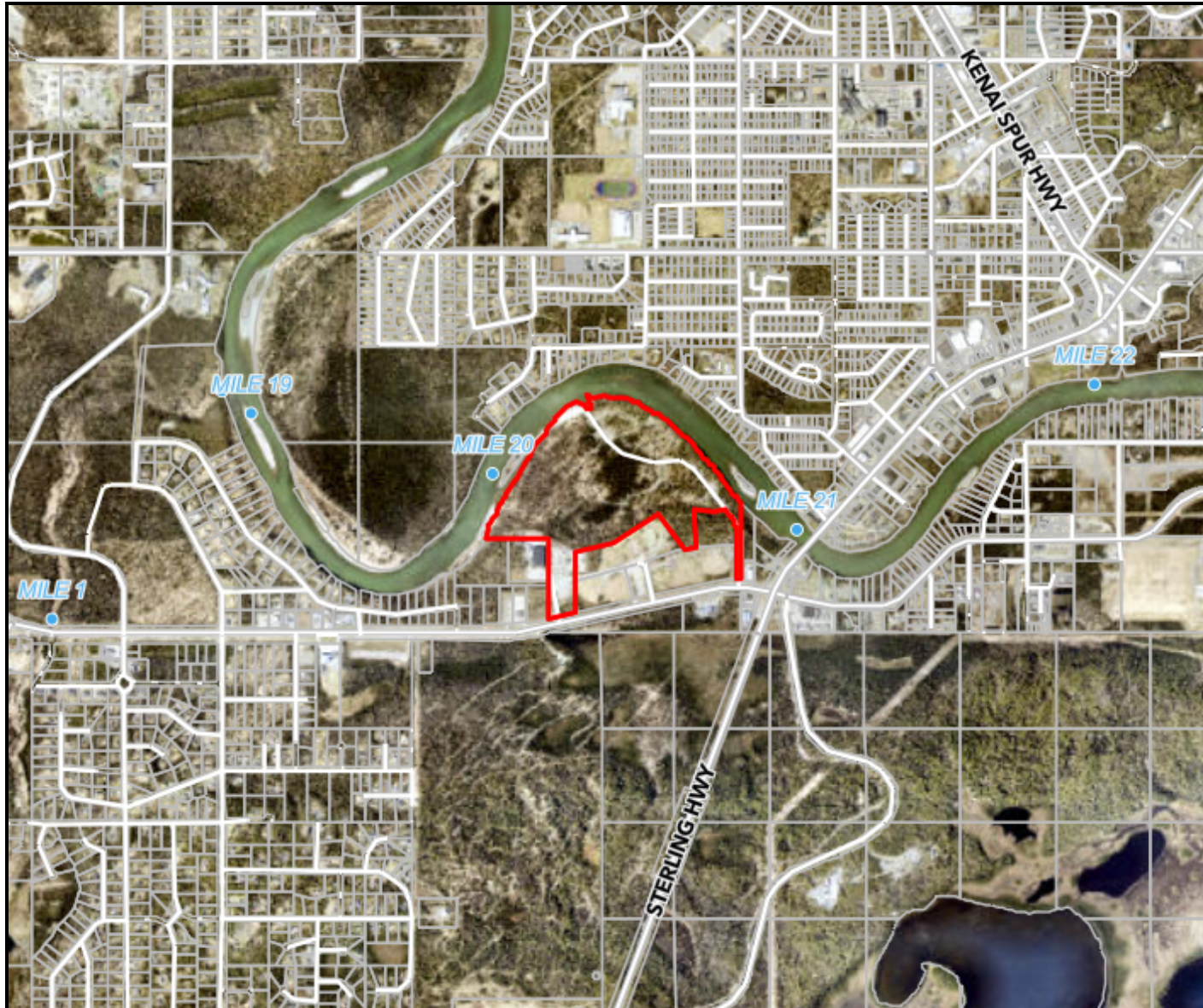
 **Project Area**

KPB Parcel(s):

06001126

Project Description:

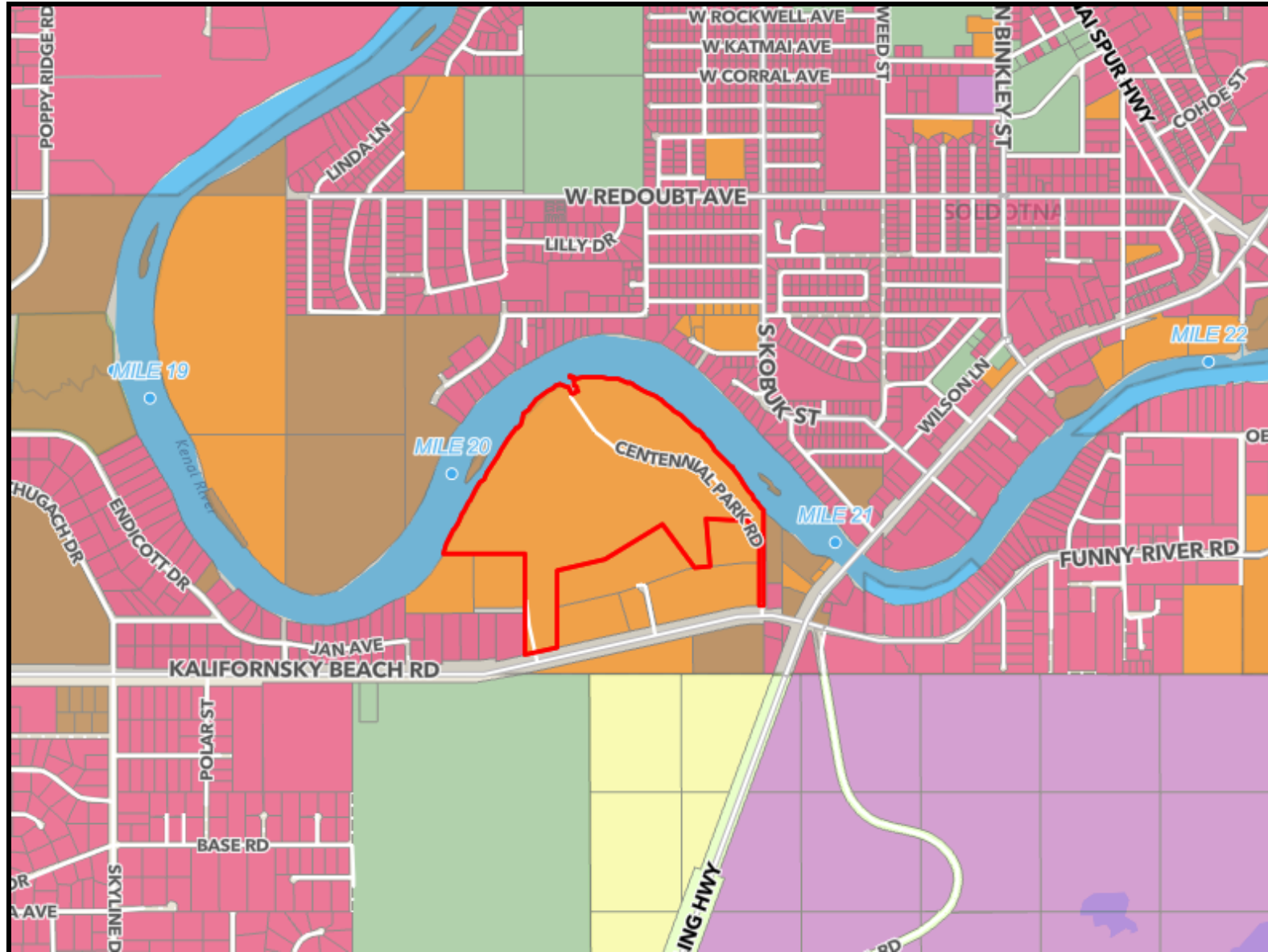
Vicinity: Soldotna



Map created by Aldridge, Morgan
Friday, June 20, 2025



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Project Area

KPB Parcel(s):

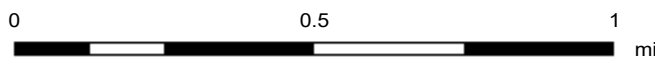
06001126

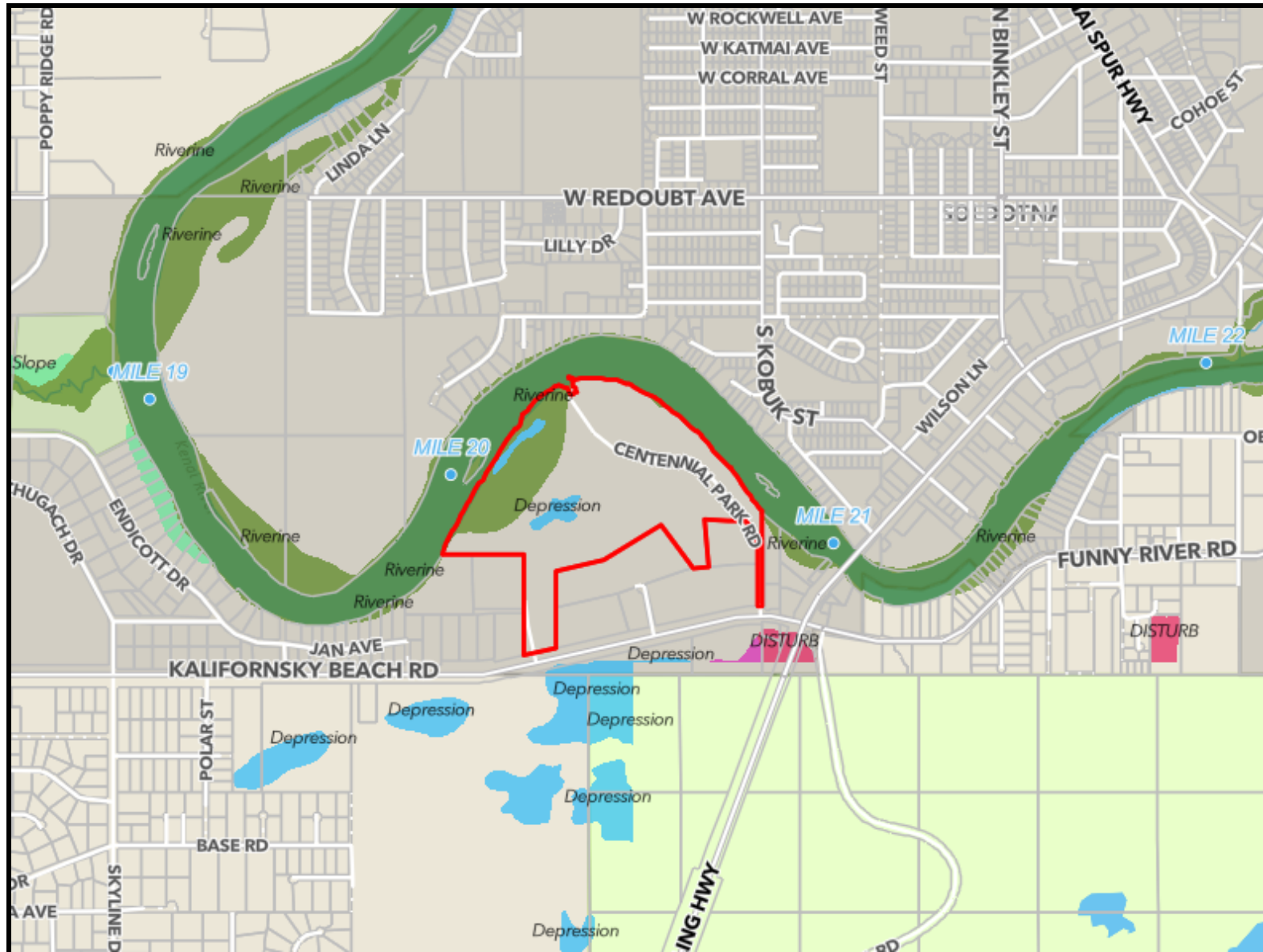
Parcel and PLSS

Parcel Ownership Type

- Borough
- Federal
- Native
- Native Allotment
- Municipal
- Private
- State

Map created by Aldridge, Morga
Friday, June 20, 2025





Project Area

KPB Parcel(s):

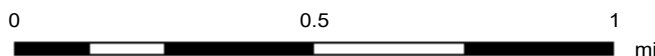
06001126

Landcover Features

KWF Wetlands Assessment

- Disturb
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- Lake
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex

Map created by Aldridge, Morga
Friday, June 20, 2025



**Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report**

PC Res No.	2025-11
Planning Commission Meeting:	Monday, July 14, 2025
Applicant	City of Soldotna
Mailing Address	538 Arena Avenue Soldotna, AK 99669
Legal Description	T 5N R 10W SEC 31 SM KN GOVT LOTS 5 8 9 & NW1/4 SE1/4 & THAT PORTION OF THE S1/2 SE1/4 LYING NORTH OF KALIFORNSKY BEACH ROAD EXCLUDING THEREFROM SOLDOTNA CENTENNIAL SUB (KN87-87) & SOLDOTNA CENTENNIAL SUB ADDN NO 1 (KN88-35)
Physical Address	349 CENTENNIAL PARK RD
KPB Parcel Number	06001126

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a fence within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040.

Background Information

Install 80 linear feet of wooden fencing along the gravel path south of the bank stabilization and restoration project. The fence will include 4 by 4 posts in the ground with treated lumber cross beams. Fence will be parallel to the river.

Project Details within the 50-foot Habitat Protection District

Install 80 linear feet of wooden fencing along the gravel path south of the bank stabilization and restoration project.

Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.

2. Pursuant to KPB 21.18.081(B)(2), construction of a fence may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Pursuant to KPB 21.06.050, wooden plank fencing will not prevent or alter the flow of water during flood events.
7. Keeping foot traffic off the restoration project will assist the vegetation in establishing in the nearshore habitat area.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for Monday, July 14, 2025.
11. Agency review was distributed on July 2, 2025. No comments or objections have been received from resource agencies to date.
12. This project is scheduled to be reviewed at the City of Soldotna Planning Commission meeting on August 6, 2025.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 2, 2025. A total of 8 mailings were sent.
14. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
15. The applicant is currently in compliance with Borough permits and ordinances.

Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The a fence must be designed and installed to meet KPB floodplain requirements.

3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

General Standards

Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1,3 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other

applicable planning documents adopted by the borough; **Condition 11 and Findings 1-5 appear to support this standard.**

3. The development of the use or structure shall not physically damage the adjoining property; **Condition 3 and Finding 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Conditions 11, 12 and Finding 15 appear to support this standard.**

Attachments

Multi-Agency Application
Draft Resolution 2025-11

Recommendation

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2025-11.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2025-11

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A FENCE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE KENAI RIVER.

- WHEREAS,** Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and
- WHEREAS,** KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and
- WHEREAS,** KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and
- WHEREAS,** public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and
- WHEREAS,** public notice was posted as provided in Section 01.08.180 (B) (1) (3); and
- WHEREAS,** public testimony was received at the Monday, July 14, 2025 meeting of the Kenai Peninsula Borough Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a fence within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040.

Section 2. Findings of fact pursuant to KPB 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.

2. Pursuant to KPB 21.18.081(B)(2), construction of a fence may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Pursuant to KPB 21.06.050, wooden plank fencing will not prevent or alter the flow of water during flood events.
7. Keeping foot traffic off the restoration project will assist the vegetation in establishing in the nearshore habitat area.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:

"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for Monday, July 14, 2025.
11. Agency review was distributed on July 2, 2025. No comments or objections have been received from resource agencies to date.
12. This project is scheduled to be reviewed at the City of Soldotna Planning Commission meeting on August 6, 2025.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 2, 2025. A total of 8 mailings were sent.
14. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
15. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a fence within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040. must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Condition 11 and Findings 1-5 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Condition 3 and Finding 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11, 12 and Finding 15 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2025.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.