

Kenai Peninsula Borough

144 North Binkley Street Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – Ridgeway/Funny River/Sterling District
Pamela Gillham – Kalifornsky/Kasilof District
Virginia Morgan, Parliamentarian – Cooper Landing/Hope/East
Peninsula District
Dawson Slaughter – South Peninsula District
Jeffery Epperheimer - Nikiski District
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Paul Whitney – City of Soldotna
Karina England – City of Seward

Monday, June 23, 2025

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative 10 minutes
- 3) Public testimony on the issue. 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

- 1. Time Extension Request
- 2. Planning Commission Resolutions
- 3. Plats Granted Administrative Approval

KPB-7015 a. Charles & Barbara Scot Subdivision; KPB File 2022-118R1

b. FBO Subdivision 2024 Addition; KPB File 2024-137

c. Forest Hills Lookout Subdivision Watson Addition No. 2 KPB file 2024-101

d. Moose Range Meadows South Addition 1 Jenkins Replat KPB File 2024-140

e. St. Theresa Subdivision Merkes Addition; KPB File 2025-003

Attachments: C3. Admin Approvals Packet

4. Plats Granted Final Approval (KPB 20.10.040)

KPB-7016 a.Kenai River Bridge Subdivision Amended Matiaco Addition

KPB File 2025-002

Attachments: Kenai River Bridge Sub Amended Matiaco Addition KPB 2025-002

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

<u>KPB-7017</u> June 9, 2025 PC Meeting Minutes

Attachments: C7. 060925 PC Meeting Minutes

D. OLD BUSINESS - None

E. NEW BUSINESS

1. KPB-7018 Conditional Use Permit; PC Resolution 2025-09

Applicant: Alaska Railroad Corporation

Request: To replace a culvert at rail milepost 30.44, east of Moose Pass withing the 50' Habitat Protection District of the Upper Trail

Lake

Moose Pass Area

(Staff Person: Planner Morgan Aldridge)

Attachments: E1. CUP AK Railroad Corporation Packet

CUP Public Hearing Notice

F. PLAT COMMITTEE REPORT

Plat Committee will review 3 plats

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, July 14, 2025 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144

North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

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Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

website:

https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-commission-meetings

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

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C. CONSENT AGENDA

- *3. Plats Granted Administrative Approval
- a. Charles & Barbara Scot Subdivision; KPB File 2022-118R1
- b. FBO Subdivision 2024 Addition; KPB File 2024-137
- c. Forest Hills Lookout Subdivision Watson Addition No. 2; KPB file 2024-101
- d. Moose Range Meadows South Addition 1 Jenkins Replat; KPB File 2024-140
- e. St. Theresa Subdivision Merkes Addition; KPB File 2025-003



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ADMINISTRATIVE APPROVAL

Subdivision:

Charles and Barbara Scott Subdivision

KPB File 2022-118R1 Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 12, 2024. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, June 5, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 5 day of 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

FBO Subdivision 2024 Addition

KPB File 2024-137

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 13, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, June 5, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this day of day of 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

Forest Hills Lookout Subdivision Watson Addition No. 2

KPB File 2024-101

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 14, 2024. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, June 11, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this ______ day of ______ 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

Moose Range Meadows South Addition 1 Jenkins Replat

KPB File 2024-140

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 13, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, June 4, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this day of Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

St. Theresa Subdivision Merkes Addition

KPB File 2025-003

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 27, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, June 5, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this _____ day of _____ 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

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FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision:

Kenai River Bridge Subdivision Amended Matiaco Addition

KPB File 2025-002

Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Wednesday, June 4, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this ______ day of ______ 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office

C. CONSENT AGENDA

- *7. Minutes
 - a. June 9, 2025 Planning Commission Meeting Minutes

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

JUNE 9, 2025 7:30 P.M. UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present
Jeremy Brantley, Sterling / Funny River
Jeffery Epperheimer, Nikiski District
Pamela Gillham, Kalifornsky/Kasilof District
Dawson Slaughter, Southern Peninsula District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Karina England, City of Seward
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer

With 9 members present, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Aaron Hughes, Land Management Officer
Ann Shirnberg, Planning Administrative Assistant
Jenny Robertson, Land Management Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

*1. Time Extension Requests

- a. Bostwick Subdivision; KPB File 2021-068
- b. Jack Gist Subdivision No. 3; KPB File 2020-107

*3. Plats Granted Administrative Approval

- a. Ageya Homestead 2024 Replat; KPB File 2024-088
- b. Atkinson Subdivision Savely Addition; KPB File 2024-095
- c. Bayview Gardens Subdivision Addition 2 Jennings 2024 Replat; KPB File 2024-109
- d. Dawn Estates Whitten Berg Addition; KPB File 2024-120R1
- e. Eker Estates No. 3 Tract A-1 2024 Replat; KPB File 2024-089
- f. Glacier View Subdivision No. 28; KPB File 2024-041
- g. Kyzer Subdivision Carlson Addition; KPB File 2024-130
- h. Sea Watch Estates 2024 Addition; KPB File 2024-121
- Shepherd Subdivision; KPB File 2024-098
- j. Trust Land Survey 2023-05 Three Ponds Subdivision; KPB File 2024-006
- k. Trust Land Survey 2024-066 Emerald Subdivision; KPB File 2024-066

*7. Minutes

a. May 12, 2025 Planning Commission Meeting Minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if

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anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Whitney to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9 Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - ORDINANCE 2025-10

AUTHORIZING THE SALE OF CERTAIN PARCELS OWNED BY THE KENAI PENINSULA BOROUGH VIA A LIVE PUBLIC OUTCRY/SIMLCAST ONLINE AUCTION FOLLOWED BY A SECONDARY ONLINE-ONLY AUCTION

Staff report give by Land Management Officer Aaron Hughes

Chair Brantley opened the item for public comment.

Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Whitney moved, seconded by Commissioner Slaughter to forward to the Assembly a recommendation to adopt Ordinance 2025-10: Authorizing the sale of certain parcels owned by the Kenai Peninsula Borough via a live public outcry/simulcast online auction followed by a secondary online-only auction.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9 Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney

ITEM #2 – RESOLUTION 2025-XX AUTHORIZING THE CORRECTION OF TITLE TO A PARCEL OF LAND ORIGINALL ACQUIRED BY PENINSULA GENERAL HOSPITAL

Staff report give by Land Management Officer Aaron Hughes.

Chair Brantley opened the item for public comment.

Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Gillham moved, seconded by Commissioner Whitney to forward to the Assembly a recommendation to adopt Resolution 2025-XX: Authorizing the correction of title to a parcel of land originally acquired by Peninsula General Hospital

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9 Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney

Kenai Peninsula Borough Page 2 14

ITEM #3 - ORDINANCE 2025-11

AMENDING KPB 2.56.007 TO ADOPT THE 2025 KENAI PENINSULA BOROUGH SAFE STREETS & ROADS FOR ALL COMPREHENSIVE SAFETY ACTION PLAN AS AN ELEMENT OF THE 2019 KENAI PENINSULA BOROUGH COMPREHENSIVE PLAN

Staff report give by Land Management Officer Aaron Hughes.

Chair Brantley opened the item for public comment.

Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner England to forward to the Assembly a recommendation to adopt Amending KPB 2.56.007 to adopt the 2025 Kenai Peninsula Borough Safe Streets & Roads For All Comprehensive Safety Action Plan as an element of the 2019 Kenai Peninsula Borough Comprehensive Plan

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, E	Epperheimer, Fikes,	Gillham, Morgan,	Slaughter, Venuti	, Whitney

ITEM #4 – 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"

Staff report give by Planning Director Robert Ruffner.

Commissioner Epperheimer expressed concerns that the proposed ordinance does not allow for fences to be permitted within the HPD on private properties. He felt that was too restrictive. He also felt the section related to removing a 20' section of the fence within the Habitat Protection District (HPD) was vague as it wasn't clear what section of the fence was to be removed. Commissioner Fikes agreed with him.

Planning Director Ruffner noted over the years the vast majority of permits for fences within the HPD have been for properties adjacent to public ROWs or other public lands. Again, the majority of these permits have had the requirement to seasonally remove a section of the fences for wildlife passage. In this area the ordinance is reflective of past practices. He then noted he was a bit on the fence regarding allowing fences on private properties and stated he would welcome discussion on this topic.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MAIN MOTION: Commissioner Whitney moved, seconded by Commissioner Venuti to forward to the Assembly a recommendation to adopt 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"

Commissioner Epperheimer stated he would like to recommend an amendment that would allow fences on private properties to be allowed.

AMENDMENT MOTION: Commissioner Epperheimer moved, seconded by Commissioner Fikes to forward to the assembly a recommendation to amend Ordinance 2025-12 to allow for fences on private property within the Habitat Protection District.

Commissioner Brantley stated he is fine with how the ordinance is written. He understands the intent is to keep most stuff out of the HPD. He noted wildlife can be impacted negatively when there are fences all along the river making migrating/moving difficult. Commissioner England stated that she agrees.

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Commissioner Morgan agreed with Commissioner Brantley, stating that the bottom 50' feet is an area of most concern. She is fine with not having fences in the HPD between private landowners.

Hearing no objection or further discussion, the motion was carried by the following vote:

AMENDMENT MOTION FAILED BY MAJORITY VOTE:

No - 7	Brantley, England, Fikes, Gillham, Morgan, Venuti, Whitney
Yes - 2	Epperheimer, Slaughter

Commissioner Epperheimer noted the HPD wasn't just along major rivers but also included some smaller creeks & streams as well as lakes. He would still like to see some flexibility that would allow fences within the HPD on private properties in certain circumstances.

Commissioner Brantley thanked Commissioner Epperheimer for bring up this point. He noted that he often thinks of the HPD as they relate to our major rivers or flowing waters. Commissioner Gillham agreed with Commissioner Brantley.

Planning Director Ruffner noted lakes are a bit different. KPB 21.18.071(A)(5) addresses a number of allowable uses within the HPD on lakes. Items noted are gazebos, firepits, barbeques, walkways, decks and saunas. He would suggest that should the commission wish to do so they could add fences as an allowable use to this section of code.

Commissioner Epperheimer noted some of the anadromous streams are tiny and are not prone to flooding. Again, he would like to have the flexibility to allow fences within the HPD on some private properties in these type of situations.

Commissioner Brantley noted that he would like to include fences in the list of things that can be placed in the HPD on lakes.

AMENDMENT MOTION: Commissioner Epperheimer moved, seconded by Commissioner Gillham to forward to the Assembly a recommendation to amend KPB 21.18.071(A)(5) to include fences as an allowable use within the 50-foot Habitat Protection District adjacent to lakes.

Hearing no objection or further discussion, the motion was carried by the following vote:

AMENDMENT MOTION PASSED BY MAJORITY VOTE:

- 1	***************************************	MICHORITACIONE DI MACCIATTI VOILE
	Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti
	No - 2	England, Whitney

Hearing no objection or further discussion, the main motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9 Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney	ey	ntley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney	Yes - 9
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AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda. There was no one who wished to comment.

AGENDA ITEM J. COMMISSIONER COMMENTS

AGENDA ITEM K. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting at 8:57 P.M.

Ann E. Shirnberg Administrative Assistant

Kenai Peninsula Borough Page 4 16

E. NEW BUSINESS

1. Conditional Use Permit; PC Resolution 2025-09

Applicant: Alaska Railroad Corporation

Request: To replace a culvert at rail milepost 30.44, east of

Moose Pass withing the 50' Habitat Protection District of the

Upper Trail Lake Moose Pass Area

(Staff Person: Planner Morgan Aldridge)

Quainton, Madeleine

To: Kenai River Center

Subject: RE: <EXTERNAL-SENDER>ARRC Culvert 30.44 Replacement

From: Nick Havelock < HavelockN@akrr.com >

Sent: Friday, May 16, 2025 12:14 PM

To: Kenai River Center < kenairivcenter@kpb.us>

Cc: Jeanette Holt < HoltJ@akrr.com >

Subject: <EXTERNAL-SENDER>ARRC Culvert 30.44 Replacement

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Afternoon,

The Alaska Railroad Corporation proposes a culvert replacement project at rail milepost 30.44, east of Moose Pass, Alaska. The project would replace a partially collapsed round concrete pipe culvert with a smooth steel pipe culvert. Based on the KPB "viewKPB" online database, the project disturbance limits appear to be within Zone A floodplain and possibly within 50ft of Upper Trail Lake. Attachments include a KRC MAPA, photo page, and design plans for the proposed project. Project disturbance within waters of the US are covered under USACE NWP #3, and an application will be sent to DNR for water diversion and pumping needs. Please feel free to contact me via email or telephone if there are any questions or if additional information is required.

Thank you and have a great weekend,

Nicholas Havelock

Environmental Analyst I

907-265-2313 office | 907-903-5326 mobile mailing: PO Box 107500, Anchorage, AK 99510-7500 physical: 327 W Ship Creek Ave, Anchorage, AK 99501

web: www.AlaskaRailroad.com



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Multi-Agency Permit Application



514 Funny River Road, Soldotna, AK 99669 • (907) 714-2460 • KenaiRivCenter@kpb.us

Applican	<u>t Informati</u>	on: (must be a la	ındowner)	Agent Info	ormation: (if applicable)		
Name:	Brian Line	damood (ARRC)	Name:	Nicholas Havelock (ARRC)		
Mailing:	P.O. Box	107500		Mailing:	P.O. Box 107500		
	Anchorag	je, AK 99510			Anchorage, AK 99510		
Phone:	907-265-	3095		Phone:	907-265-2313		
Email:	Lindamod	odB@akrr.com		Email:	HavelockN@akrr.com		
Project L		N1/A			y Information:		
KPB Parc	el ID:	N/A		Waterbody	Unnamed Drainage		
Physical /	Address:	60.500999°, -1			(looking downstream)		
		ARRC MP 30.4	44	River Mile:	N/A		
Subdivision		N/A					
Lot: N/A	Block:	N/A Addition	n/No.: N/A				
State of A	Alaska Per	mit Fees:		KPB Permi	it Fees: (select one)		
\$100 -	ADNR Sta	te Parks Permit		■ \$50 - KF	■ \$50 - KPB Habitat/Floodplain Permit		
				☐ \$300 - K	KPB Conditional Use/Floodway Permit		
Project In	nformation	. ■ New <u>OR</u>	☐ Extension/	Amendment to	o RC#		
Please se	elect all acti	vities that apply t	o your project:				
□ Boat La □ Bridge □ Coir Lo ■ Culvert □ ELP St □ Equipm ■ Excava □ Fence	gs ructures nent Stream ution, Dredgir Installation	ng, and/or Fill	☐ Fish & Wildlife ☐ Floating Dock ☐ Fuel Storage (☐ In-Stream Stru☐ Oil & Gas☐ On-Site Utilitie☐ Prior-Existing (☐ Revegetation☐ Root Wads	Green Infrastructures (Weir) es Structure	□ Spruce Tree Revetment □ Stream Crossing □ Utility Line/Easement □ Veg Mat □ Vegetation Removal □ Water Withdrawal □ Other:		
	-		•		t; attach additional pages if necessary. ect at rail milepost 30.44, east of Moose Pass. The		
partially faile smooth stee the tracks. Ubedding, ex. 35CY of Clawater divers Cost-Sha KPB Tax and resto	ed existing 22 el pipe culveri Up to 386 cub cavated mate ass II riprap w ion may be r re: Is this p Credit Pro ration proje	"X 44" round conc t. Two excavators we bic yards (CY) of pe erial not re-used will fill be placed at the equired to allow con project funded by gram: The Boron cts within 150 fee	rete pipe culvert sup vill operate from the rmanent fill will be re be placed in ARRC inlet and outlet for e nstruction activities t the Cost-Share F ugh provides a tax et of anadromous	porting an unnatracks and from equired and incless right-of-way (Ranergy dispersion to be performed Program?	amed drainage would be replaced with a 36" X 45' a temporary work pad (up to 20' X 30') adjacent to ludes existing material and D-1 for competent and competent and competent and competent and erosion protection. Necessary damming for din-the-dry. All work will be within the ARRC ROW.		
		Elevated Li	ght Penetrating St	ructures \$.		
		Habitat Res	storation & Protect	tion \$	5		
		Green Infra	structure	\$			
		Other Activ	rities	\$			

Project Questions:		
1. Start date: July 1, 2025 End date: October 31, 2025 Estimated Days of Construction: 1	2	
Is any portion of the work already complete? If yes, please describe: N/A	Yes	■ No
Ordinary High Water (OHW) and Mean High Water (MHW):		
3. Is the project located within 50 feet of OHW or MHW a waterbody?	Yes	Пио
4. Does any portion of the project extend <u>below</u> the OHW or MHW of the waterbody?	☐ Yes	
5. Does any portion of the project cantilever or extend <u>over</u> the MHW of the waterbody?	☐ Yes	
6. Will anything be placed below OHW or MHW of the waterbody?	☐ Yes	
Regulatory Floodplains:	☐ 1 c3	<u> </u>
7. Is the property where the project is taking place near or within a regulatory floodplain?	Yes	ПМо
a. Is this project within or adjacent to a regulatory floodway?	☐ Yes	10.00
b. Is this project within or adjacent to a regulatory noodway: b. Is this project within or adjacent to a coastal high hazard zone?	☐ Yes	
c. For new buildings and/or additions, list all project costs (labor, materials, etc.):		<u>-</u> 110
Excavation, Dredging, and Fill:	\$ <u>N/A</u>	
	□Vaa	□ Na
8. Will material be excavated or dredged from the site?	☐ Yes	∐ ио
a. Type of material(s): D-1, Existing		
b. Area to be dredged below OHW or MHW:		
Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards:		
c. Area to be excavated <u>above</u> OHW or MHW:		
Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards: 386 Max		
d. Location materials will be deposited: Re-used or placed within ARRC uplands outside of the floodplain		<u> </u>
9. Will any material (including soils, debris, and/or overburden) be used as fill?	Yes	☐ No
a. Type of material(s): Existing, D-1, riprap	4 164 35	600
b. Is this fill permanent or temporary?	■Perm	Temp
c. Area to be filled <u>above</u> OHW or MHW:		
Length: (ft), Width: (ft), Depth: (ft), Total Cubic Yards: 421 Max		
d. Area to be filled <u>below</u> OHW or MHW:		
Length: (ft), Width: (ft), Depth: (ft), Total Cubic Yards:		
Motorized Equipment:		
10. Will you be using motorized equipment for this project? If yes, please list all equipment: Excavators, remote compactor, hyrails for access	■ Yes	☐ No
a. Will you be crossing a stream or waterbody?	☐ Yes	■ No
b. How long will equipment be used below OHW or MHW? N/A		
Signature & Certification:		
This application is hereby made requesting permit(s) to authorize the work described in this app	lication forr	n. I
certify the information in this application is complete and accurate to the best of my knowledge a		
plans or drawings are attached. If applying for a tax credit, I certify that I have not begun constru		
ject and that the project will be constructed to the standards in KPB 5.12 Real Property and Personal Property		erty
Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local reg	julations.	
5/13/2025		
Applicant Signature (required) Date		
5/13/2025		
Agent Signature (if applicable)		

ARRC – MP 30.44 Culvert Replacement Site Photographs – Summer 2021

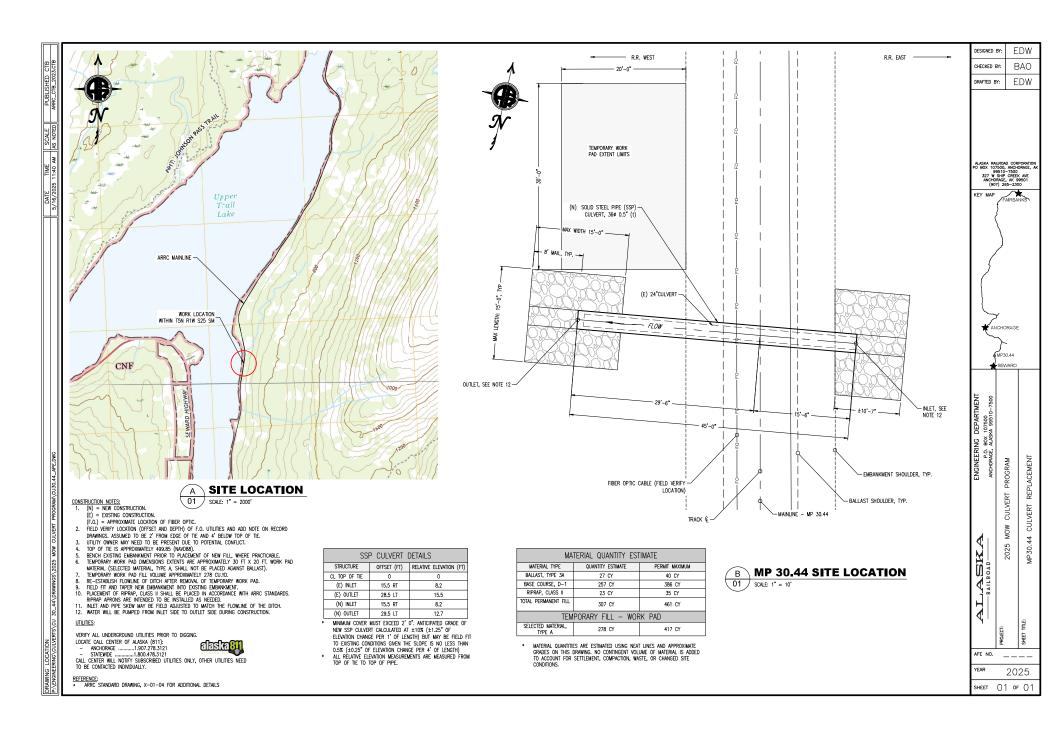


Photo 1. MP 30.44 culvert inlet area (buried)



Photo 2. MP 30.44 culvert outlet (collapsed and mostly buried)

Page 1 of 1



250 500

AKRR Culvert

Project Area

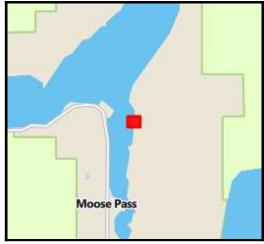
KPB Parcel(s):

. .

Project Description:

replacement culvert along AKRR ROW

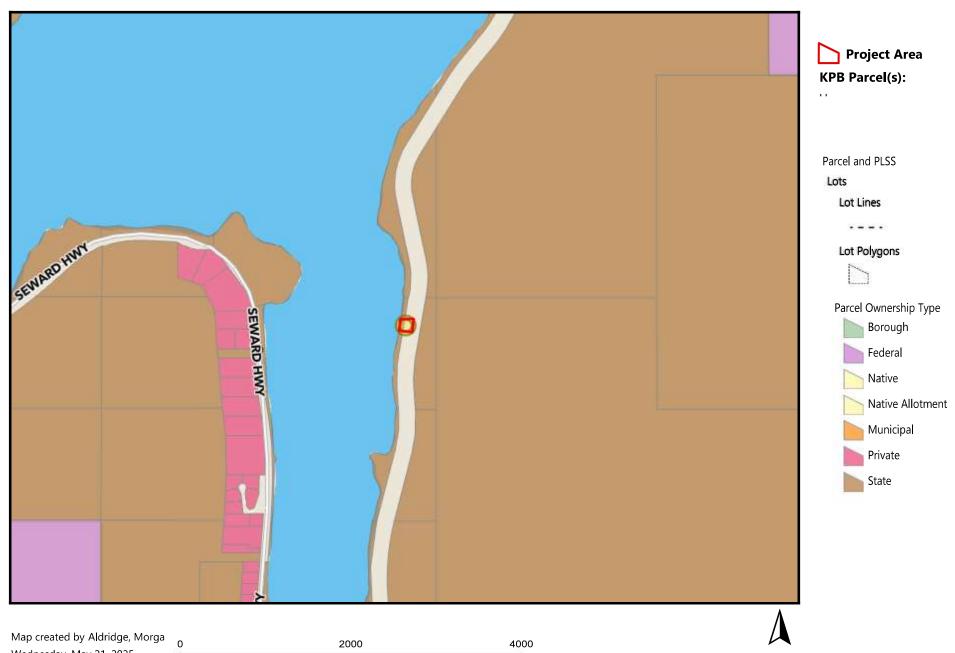
Vicinity: Remote

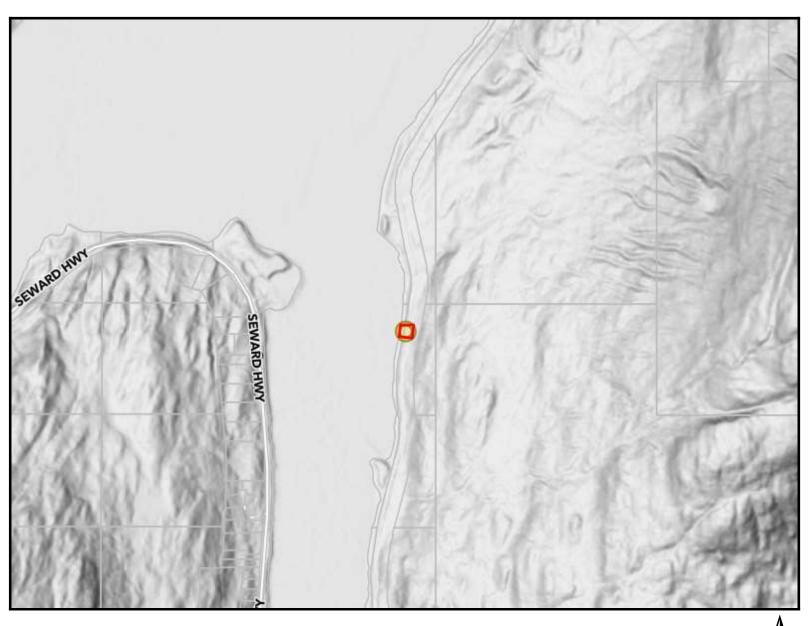


Map created by Aldridge, Morgan Wednesday, May 21, 2025

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):

Parcel and PLSS

Tax Parcels

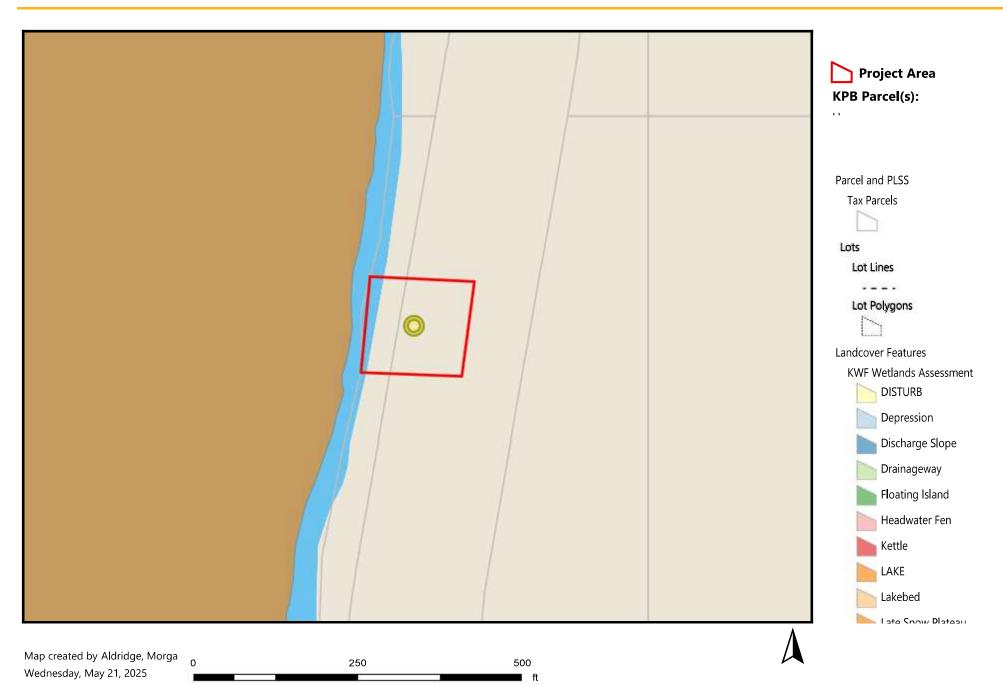
Lots

Lot Lines

Lot Polygons

Map created by Aldridge, Morga Wednesday, May 21, 2025

2000 4000



Conditional Use Permit Anadromous Waters Habitat Protection District Staff Report

PC Res No. 2025-09

Planning Commission Meeting: Monday, June 23, 2025

Applicant Alaska Railroad Corporation

Mailing Address P.O. Box 107500

Anchorage, AK 99510

Legal Description 60.500999°, -149.361352° ARRC MP 30.44

Project Description

A Conditional Use Permit (CUP) is sought pursuant to KPB 21.18 for a culvert replacement project within the 50-foot Habitat Protection District (HPD) of the Upper Trail Lake, as established in KPB 21.18.040.

Background Information

Current culvert has collapsed and is blocking fish passage. A temporary work pad will be created to conduct work and will be removed. New culvert to be placed with rip rap on either end for erosion protection. All work to be conducted within the rail road right-of-way.

Project Details within the 50-foot Habitat Protection District

Placement of a new steel culvert to replace a collapsed concrete culvert.

Placement of 386 cubic yards of fill- to include existing materials and D-1.

Placement of 35 cubic yards of class II rip rap on ends of culvert.

Staff-proposed 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)(5), construction of transportation infrastructure may be approved as a conditional use within the habitat protection district.
- 3. Staff finds that the proposed project meets the five general standards found in KPB 21.18.081(D) as described below.

- 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 21.18.020(B)(5), one purpose of this chapter was established to separate conflicting land uses.
- 6. The culvert will allow for clear fish passage as it meets the ADF&G standards for fish passage.
- 7. The added fill will stabilize and level the area around the culvert, protecting the railroad tracks along the lake shore.
- 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, June 23, 2025.
- 11. Agency review was distributed on June 13, 2025. No comments or objections have been received from resource agencies to date.
- 12. Notice of this project was sent to the Moose Pass Advisory Planning Commission (APC) for its June 5, 2025, meeting. The APC recommended approval.
- 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 June 13, 2025. A total of 1 mailing was sent.
- 14. Pursuant to KPB 01.08.180(B)(1) and (3), public notice was posted on the KPB webpage and at the KPB Administration Building.
- 15. The applicant is currently in compliance with KPB permits and ordinances.

Staff-proposed 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 Upper Trail Lake.
- 2. The Alaska Railroad Corporation (ARRC) culvert replacement project 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 CUP must be completed within one calendar year from the date of the CUP's issuance, or the CUP will 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 CUP 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 CUP may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a CUP issued under this chapter. The KPB 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 KPB 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, 4-5 and Findings 1-2 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 2-5 appear to support this standard.**
- 3. The development of the use or structure shall not physically damage the adjoining property; **Condition 8 and Finding 8 appear to support this standard.**

- 4. The proposed use or structure is water-dependent; **Findings 1, 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 2025-09

Recommendation

Based on the findings, staff finds that the proposed project appear to meet 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 CUP for the proposed project details subject to adopted conditions as set forth in 2025-09.

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 2025-09

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF THE ALASKA RAILROAD CORPORATION (ARRC) PROPOSED CULVERT REPLACEMENT PROJECT AT RAIL MILEPOST 30.44, EAST OF MOOSE PASS

- **WHEREAS,** Chapter 21.18 provides for the approval of a Conditional Use Permit (CUP) for certain activities within the habitat protection district (HPD); and
- **WHEREAS,** KPB 21.18.081 provides that a CUP 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 HPD 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) and (3);
- WHEREAS, notice of this project was sent to the Moose Pass Advisory Planning Commission (APC) for its June 5, 2025, meeting, and the Moose Pass APC recommended approval; and
- **WHEREAS,** public testimony was received at the Monday, June 23, 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 CUP is sought pursuant to KPB 21.18 for a culvert replacement project within the 50-foot HPD of the Upper Trail Lake, 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 HPD as defined by KPB 21.18.040.
- 2. Pursuant to KPB 21.18.081(B)(5), construction of transportation infrastructure may be approved as a conditional use within the HPD.
- 3. The proposed project meets the five general standards found in KPB 21.18.081(D) as described below.
- 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 21.18.020(B)(5), one purpose of this chapter was established to separate conflicting land uses.
- 6. The culvert will allow for clear fish passage as it meets the ADFG standards for fish passage.
- 7. The added fill will stabilize and level the area around the culvert, protecting the railroad tracks along the lake shore.
- 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 waterdependent 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, June 23, 2025,.
- 11. Agency review was distributed on June 13, 2025. No comments or objections have been received from resource agencies to date.
- 12. Notice of this project was sent to Moose Pass APC at their June 5, 2025 meeting. The Moose Pass APC recommended approval.
- 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 June 13, 2025. A total of 1 mailing was sent.
- 14. Pursuant to KPB 01.08.180(B)(1) and (3), public notice was posted on the KPB webpage and at the KPB Administration Building.
- 15. The applicant is currently in compliance with KPB 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 Upper Trail Lake.
- 2. The Alaska Railroad Corporation (ARRC) culvert replacement project 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 CUP must be completed within one calendar year from the date of the permit's issuance, or the CUP will expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the Planning 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 CUP 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 CUP 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 KPB 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 KPB 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, 4-5 and Findings 1-2 support this standard.
- 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 2-5 support this standard.
- 3. The development of the use or structure shall not physically damage the adjoining property; **Condition 8 and Finding 8 support this standard.**
- 4. The proposed use or structure is water-dependent; **Findings 1, 9 support this standard.**
- 5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11-12 and Finding 15 to support this standard.**

THIS CONDITIONAL USE PERMIT IS	S EFFECTIVE ON THE DAY OF	_, 2025.
ATTEST:	Jeremy Brantley, Chairperson Planning Commission	
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.



Donald E. Gilman River Center

A Division of the Planning Department

514 Funny River Road, Soldotna, AK 99669 | (P) 907-714-2460 | (F) 907-260-5992 | www.kpb.us

KENAI PENINSULA BOROUGH RIVER CENTER NOTICE OF PUBLIC HEARING

The Kenai Peninsula Borough received an application for a Conditional Use Permit under KPB 21.18.081 for a project within the 50-foot Habitat Protection District (HPD) of the Upper Trail Lake. This project has been scheduled for a public hearing before the Kenai Peninsula Borough Planning Commission.

Why are you receiving this notice?

Per code, property owners within 300 feet of the proposed project must receive notice of the public hearing. This project is located at 60.500999°, -149.361352°, outside of Moose Pass Alaska, Parcel ID. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

The Alaska Railroad Corporation (ARRC) proposes a culvert replacement project at rail milepost 30.44, east of Moose Pass within the 50-foot HPD of the Upper Trail Lake.

How can you look at the application?

The meeting packet will be posted the week prior to the meeting. Once it has been posted it can be viewed at https://kpb.legistar.com/Calendar or by scanning this QR code with your phone:



How do you attend the Planning Commission meeting?

When: Monday, June 23, 2025 at 7:30 pm or as soon thereafter as business permits

Where: This meeting will be held in the Betty J. Glick Chambers, George A. Navarre Borough

Administration Building located at 144 North Binkley Street, Soldotna.

Zoom: Meeting ID 907 714 2200

https://us06web.zoom.us/j/9077142200 1-888-788-0099 or 1-877-853-5247

Or other audio or video conferencing means whenever technically feasible

How do I comment on the project?

You can provide verbal comment at the meeting (see information above). You may also submit written comments. **Written comments must be received by 1:00 pm Friday, June 20, 2025.**

Mail comments to:

Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

Email comments to: KenaiRivCenter@kpb.us

For additional information, please contact Morgan Aldridge at MAldridge@kpb.us or 907-714-2465.