

E. NEW BUSINESS

- 2. Conditional Use Permit; PC Resolution 2026-34
Applicant/Owner: Wearly Catching Silvers, LLC
Request: To place a cabin on a gravel parking pad within the 50'
Habitat Protection District of the Kenai River
Parcel ID 05525312
Physical Address: 45439 Catching Silvers Drive
Soldotna Area**

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: Dustin Wearnly
Mailing: 1132 N 780 W
Clinton, UT 84015
Phone: 801 564 5536
Email: dustinwearnly@gmail.com

AGENT: (if applicable)

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

PROJECT LOCATION:

KPB Parcel ID: _____
Physical Address: 45439 catching silversdr
Subdivision: Castaway Cove
Lot: 34 Block: 6 Addition/No.: _____

WATERBODY INFORMATION:

Waterbody: Kenai River
River Mile: _____
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 checked="" type="checkbox"/> Structure (Accessory) |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Fuel Storage Green Infrastructure | <input checked="" 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 checked="" 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 checked="" type="checkbox"/> Excavation, Dredging, and/or Fill | <input type="checkbox"/> Revegetation | <input type="checkbox"/> Vegetation Removal |
| <input 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.

see attached drawing
plan to apply for 50/50 program & would like the tax credit
if applicable.

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 \$ 121,000 Other Activities \$ _____
Habitat Restoration & Protection \$ 4,000 Green Infrastructure \$ _____

PROJECT QUESTIONS:

1. Start date: 7/1/26 End date: _____ Estimated Days of Construction: _____
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?
If yes, you must fill out an Alaska State Parks application at: dnr.alaska.gov/parks/permit Yes No

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.): \$ unknown

Excavation, Dredging, and Fill:

9. Will material be excavated or dredged from the site? Yes No

a. Type of material(s): _____

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: _____

10. Will any material (including soils, debris, and/or overburden) be used as fill? Yes No

a. Type of material(s): pit run dirt/gravel, D1 gravel, type R paper

b. Is this fill permanent or temporary? Permanent Temporary

c. Area to be filled above OHW or MHW:
Length: 20 (ft) Width: 30 (ft) Depth: 3 (ft) Total Cubic Yards: 67

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
dump truck & bobcat

a. Will you be crossing a stream or waterbody? Yes No

b. How long will equipment be used below OHW or MHW? est. less than 1 week

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.

[Signature]
Owner Signature (required)

MAY 28, 2026
Date

Agent Signature (if applicable)

Date

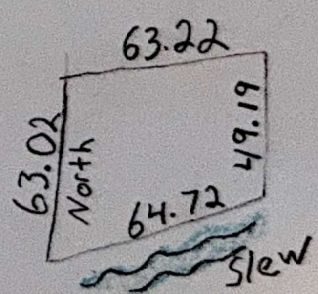
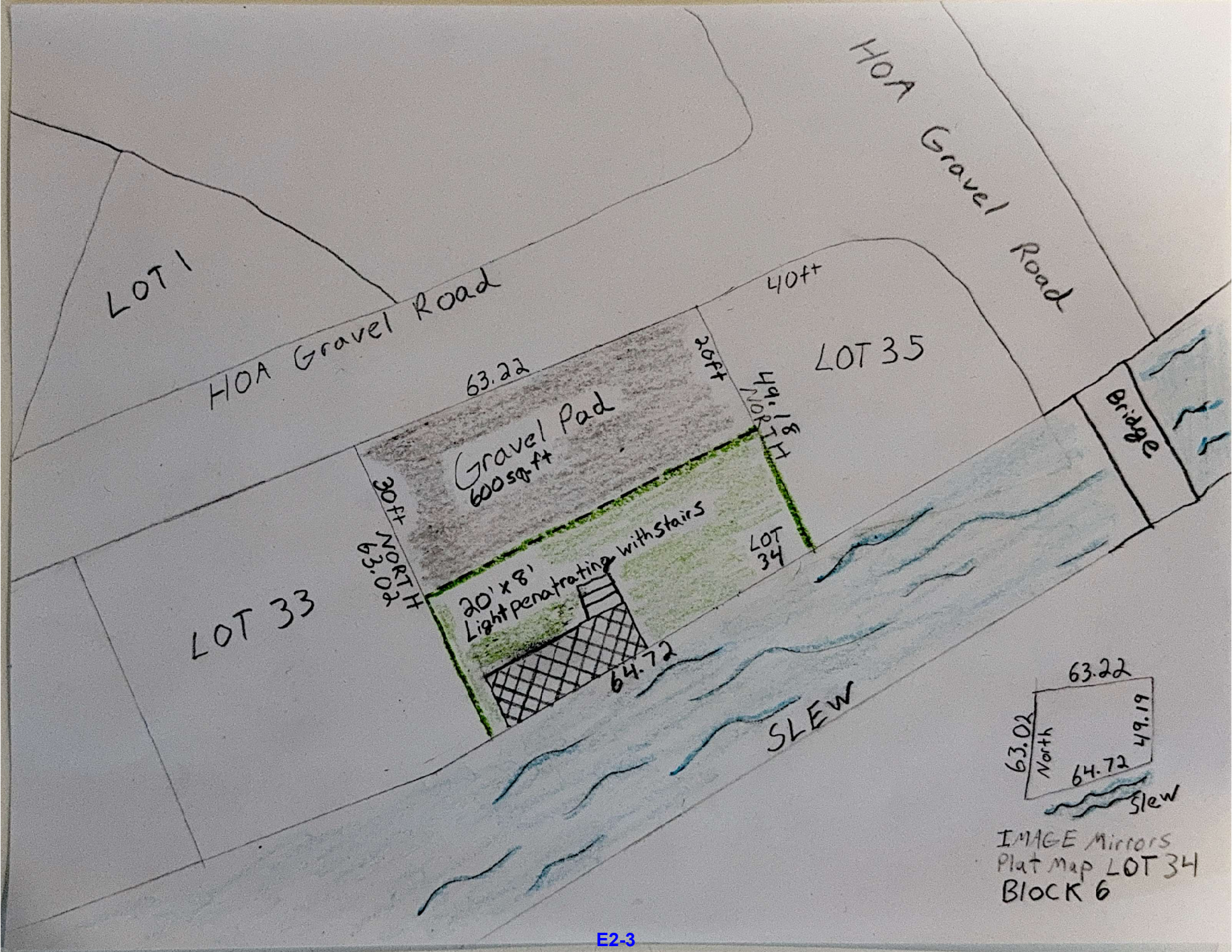
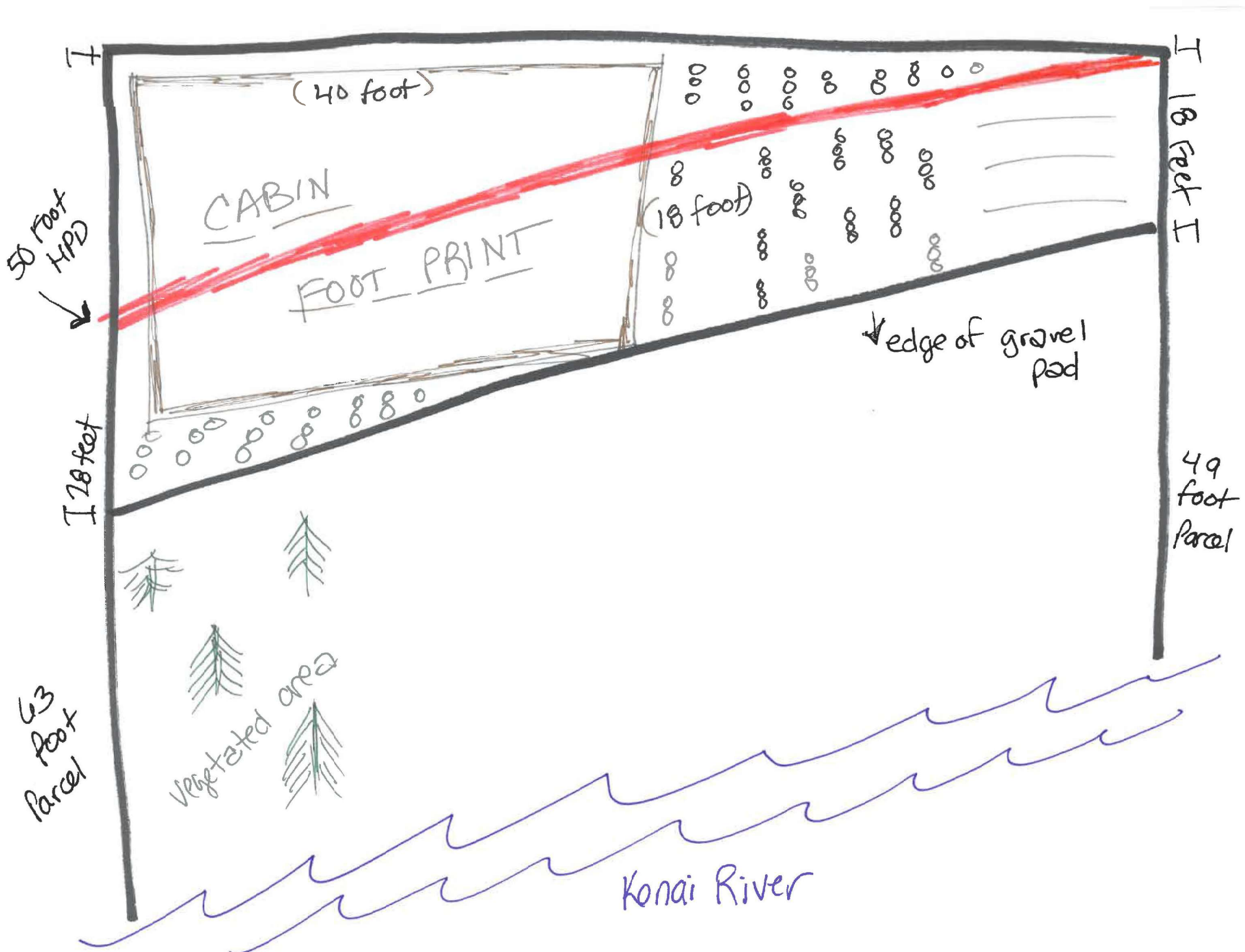
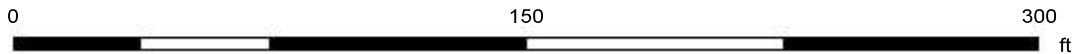


IMAGE Mirrors
Plat map LOT 34
BLOCK 6





Cabin & pad

Project Area

KPB Parcel(s):
05525312

Project Description:

Vicinity: Kalifornsky



Map created by Aldridge, Morgan
Monday, June 8, 2026



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):

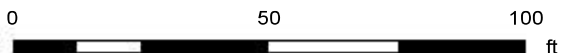
05525312

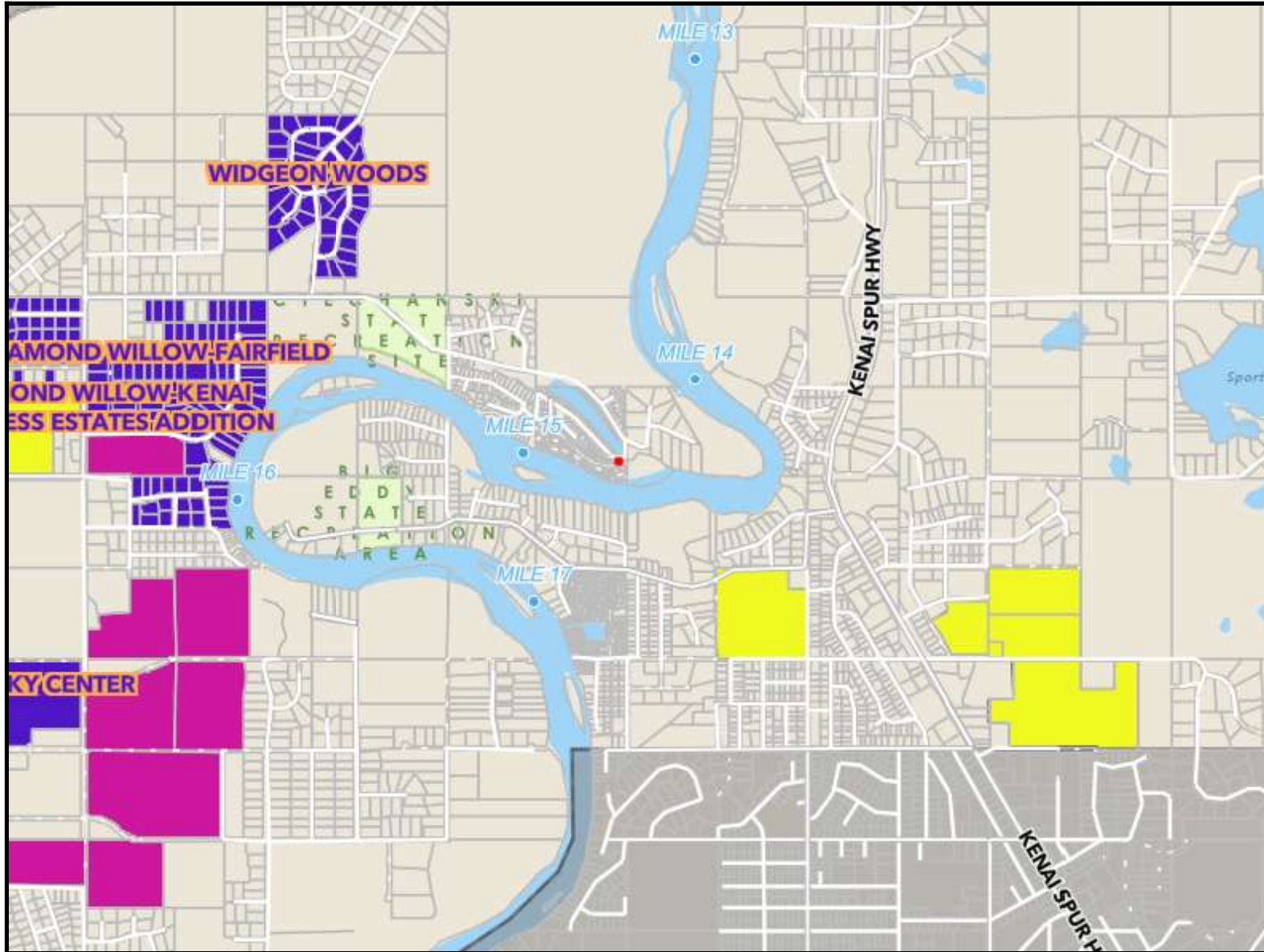
Parcel and PLSS

Parcel Ownership Type

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

Map created by Aldridge, Morga
 Monday, June 8, 2026





Project Area

KPB Parcel(s):

05525312

Regulatory

Material Sites

- Conditional Land Use Permit
- Counter Permit
- Prior Existing Use

Local Option Zones



Map created by Aldridge, Morga
Monday, June 8, 2026





CUP Notification Report

Monday, June 1, 2026

Report generated for KPB Parcel(s):
05525312



- 300ft Buffer
- Original selection
- Parcels intersecting the buffered area.

The following list was created by applying a 300 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to MAldridge@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05525033	ALASKA STATE D N R	550 W 7TH AVE STE 650	ANCHORAGE	AK	99501
05525213	T L LANTZ LLC	5729 MAIN ST STE 208	SPRINGFIELD	OR	97478
05525214	T L LANTZ LLC	5729 MAIN ST STE 208	SPRINGFIELD	OR	97478
05525215	T L LANTZ LLC	5729 MAIN ST STE 208	SPRINGFIELD	OR	97478
05525216	ISAACS RONALD D & DENIECE M	620 CEDAR DR	KENAI	AK	99611
05525217	ISAACS RONALD D & DENIECE M	620 CEDAR DR	KENAI	AK	99611
05525218	RATLIFF MELVIN P	1108 WINSLOW AVE	RICHLAND	WA	99354
05525219	RATLIFF MELVIN P	1108 WINSLOW AVE	RICHLAND	WA	99354
05525220	ADAMSON DEBORA K	209 PORTLOCK ST	KENAI	AK	99611
05525221	SCHULZ ALEXANDER	321 LELAND HEDGE CT	INMAN	SC	29349
05525221	SCHULZ ANDREAS	321 LELAND HEDGE CT	INMAN	SC	29349
05525221	SCHULZ DENNIS	321 LELAND HEDGE CT	INMAN	SC	29349
05525221	SCHULZ MARKUS	321 LELAND HEDGE CT	INMAN	SC	29349
05525221	SCHULZ VITALIE	321 LELAND HEDGE CT	INMAN	SC	29349
05525223	STOVALL LAVON ANNE	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525223	STOVALL THOMAS WILLIAM	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525224	STOVALL LAVON ANNE	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525224	STOVALL THOMAS WILLIAM	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577

The following list was created by applying a 300 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to MALdridge@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05525225	STOVALL LAVON ANNE	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525225	STOVALL THOMAS WILLIAM	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525304	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA	AK	99669
05525305	BOYLE MICHAEL F Sr	1516 STELLAR DR	KENAI	AK	99611
05525306	ISAACS RON & DENIECE	PO BOX 3526	KENAI	AK	99611
05525307	ISAACS RON & DENIECE	PO BOX 3526	KENAI	AK	99611
05525308	STOVALL LAVON ANNE	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525308	STOVALL THOMAS WILLIAM	18728 WAR ADMIRAL RD	EAGLE RIVER	AK	99577
05525309	CAMP CLAIRE M	3930 TWIN PALMS LN	LOOMIS	CA	95650
05525309	CAMP STEPHEN D	3930 TWIN PALMS LN	LOOMIS	CA	95650
05525309	KNESS MATTHEW K	3930 TWIN PALMS LN	LOOMIS	CA	95650
05525309	PADILLA JOSE C	3930 TWIN PALMS LN	LOOMIS	CA	95650
05525310	LARKEY ROBERT LEE Jr	3541 KACHEMAK CIR	ANCHORAGE	AK	99515
05525311	ONSTOTT KIMURA LEE	903 N RED ASH WAY	STAR	ID	83669
05525311	ONSTOTT RODNEY CHARLES	903 N RED ASH WAY	STAR	ID	83669
05525312	WEARLY CATCHING SILVERS LLC	4485 S RIDGELINE DR UNIT B	OGDEN	UT	84405
05525313	CASTAWAY COVE OWNERS ASSOCIATION	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525314	T L LANTZ LLC	5729 MAIN ST STE 208	SPRINGFIELD	OR	97478
05525315	KENISON DAVID A	3110 N SNOW GOOSE DR	WASILLA	AK	99654
05525315	KENISON MARIE A	3110 N SNOW GOOSE DR	WASILLA	AK	99654
05525316	HULME PAUL LEE	21610 SNOWFLOWER LOOP	CHUGIAK	AK	99567
05525316	LINDER MATTHEW	21610 SNOWFLOWER LOOP	CHUGIAK	AK	99567
05525316	LINDER RONALD	21610 SNOWFLOWER LOOP	CHUGIAK	AK	99567
05525317	KRUSKIE KATHRIN ELIZABETH	12040 JOHNS RD	ANCHORAGE	AK	99515
05525317	KRUSKIE WILLIAM RICHARD	12040 JOHNS RD	ANCHORAGE	AK	99515
05525318	HEARD MICHEL E	113 SAINT THOMAS ST STE B	LAFAYETTE	LA	70506
05525319	JOHNSTON ROBERT A & REBECCA ADELLE	1500 S LOWER CIR	PALMER	AK	99645
05525320	BURNETT REECE	32220 N SHEEP SPRINGS RD	ATHOL	ID	83801
05525320	BURNETT RILEY	682 E HALPIN DR	MERIDIAN	ID	83646

The following list was created by applying a 300 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to MAldridge@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05525320	BURNETT RYDER B	1125 W TWO RIVERS LN	EAGLE	ID	83616
05525321	PICKARSKY PENNY	PO BOX 1016	SOLDOTNA	AK	99669
05525322	HALVERSON CHAD	PO BOX 390	HUNTSVILLE	UT	84317
05525323	GRIFFITH REAL ESTATE TRUST	14602 NE 13TH PL	BELLEVUE	WA	98007
05525324	CASTAWAY COVE OWNERS ASSOCIATION	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525329	CASTAWAY COVE OWNERS ASSOCIATION	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525330	CASTAWAY COVE OWNERS ASSOCIATION	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525331	CASTAWAY COVE OWNERS ASSOCIATION	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525332	CASTAWAY COVE OWNERS ASSOCIATION	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525333	LINDSEY FAMILY IRREVOCABLE TRUST	11500 DOGGIE AVE	ANCHORAGE	AK	99507
05525334	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA	AK	99669
05525335	KENAI PENINSULA BOROUGH	144 N BINKLEY ST	SOLDOTNA	AK	99669
05525336	HAAS JACOB HENRY	580 N CRESTVIEW CIR	PORTERVILLE	CA	93257
05525336	HAAS LARRY	580 N CRESTVIEW CIR	PORTERVILLE	CA	93257
05525337	COLEGROVE SHELLIE & STANLEY LIVING TRUST	460 W BRIAR DR	WASILLA	AK	99654
05525338	MATTISON KATHRYN L	35555 KENAI SPUR HWY	SOLDOTNA	AK	99669
05525338	MATTISON RUSSEL J	35555 KENAI SPUR HWY	SOLDOTNA	AK	99669
05525339	MILE 14.5 LLC	17400 SPAIN DR	ANCHORAGE	AK	99516
05525340	MILE 14.5 LLC	17400 SPAIN DR	ANCHORAGE	AK	99516
05525341	MILE 14.5 LLC	17400 SPAIN DR	ANCHORAGE	AK	99516
05525342	CASTAWAY COVE HOMEOWNERS ASSN	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525519	ZIZZO LIVING TRUST	595 EASTGATE PKWY	SAINT PAUL	MN	55115
05525539	JACKSON LARRY W & SATORENE	PO BOX 2715	KENAI	AK	99611
05525547	CASTAWAY COVE HOMEOWNERS ASSN	1577 C ST STE 101C	ANCHORAGE	AK	99501
05525701	MOTO NEVADA TRUST	36613 KISUTCH CIR	KENAI	AK	99611
05525714	TIMBERLAND TERRACE SUB PHASE TWO PROPERTY OWNERS ASSOC INC	36613 KISUTCH CIR	KENAI	AK	99611

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

PC Res No.	2026-34
Planning Commission Meeting:	Monday, June 22, 2026
Applicant	Dustin Wearly
Mailing Address	1132 N 780 W Clinton, UT 84015
Legal Description	T 5N R 10W SEC 7 SM KN 2005058 RIVERWOOD SUB 2000 ADDN TRACT A1
Physical Address	45439 Catching Silvers Dr
KPB Parcel Number	05525312

Project Description

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

Background Information

Applicant would like to create a parking pad on his lot and place a cabin on a portion of it. This is an undeveloped lot. The pad will be 18 foot by 28 foot by 63 feet long- the length of the parcel. The cabin will be placed lengthwise and will be 40 feet long and 18 foot wide. It will be placed on the deep end of the parcel with the narrow end of the parcel left for parking. This will create a pad alongside the existing roadway and will allow for use of the parcel but with a limited amount of disruption into the HPD. There will be no septic on this lot.

Project Details within the 50-foot Habitat Protection District

The land owner proposes to place approximately 68 cubic yards of gravel on his lot to create a parking pad. This gravel would partially be within the 50-foot HPD. On a portion of the pad, there will be a cabin measuring 40 feet by 18 feet. This will be placed on the deeper side of the lot, and there will be no septic. To meet the standards of code, the applicant is requesting to place the fill on the western portion of the lot, furthest away from the Kenai River. This project meets the standards of KPB Code 21.18.081.10 as listed in the Resolution 2026-34

A portion of the application to place an elevated, light penetrating walkway and cabled spruce tree revetment have met the standards to be permitted through a staff permit via KPB Code 21.18.070

Attachments

Multi-Agency Application

Draft Resolution 2026-34

KPB Habitat Permit #13825 (for portions of the application meeting KPB 21.18.070)

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 2026-34.

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 2026-34

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A GRAVEL PAD & CABIN 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, June 22, 2026 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

The land owner would like to place approximately 68 cubic yards of gravel on his lot to create a parking pad. On top of a portion of the pad there will be a 40 foot by 18-foot dry cabin. There will be no septic. Portions of this project would partially be within the 50-foot HPD. This project meets the standards of KPB Code 21.18.081.10 as listed in the Resolution 2026-34

A portion of the application to place an elevated, light penetrating walkway and cabled spruce

tree revetment have met the standards to be permitted through a staff permit via KPB Code 21.18.070 (attached to the packet).

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)(10), construction of a primary structure may be approved as a conditional structure/use within the habitat protection district (HPD).
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 21.06.081(D)(10), the following standards have been met:
 - i) The parcel boundaries were defined prior to January 1, 2012
 - ii) The parcel is served by a sewage holding tank or septic system, which is located entirely outside the HPD
 - iii) The parcel has an area of .3 acres or less and less than 4,000 square feet of total developed impervious coverage
 - iv) The parcel has less than 4,000 square feet of suitable development area outside the HPD
 - v) On the portion of the parcel within the HPD, the total impervious coverage is not exceeding 50% of the area able to sustain native vegetation or 3,000 square feet of area able to sustain native vegetation, whichever is less
 - vi) The standard for development is to first utilize suitable parcel areas outside the HPD. Within the HPD, nearshores areas that may sustain native vegetation must be preserved to minimize impact.
7. 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.
8. Pursuance to KPB 21.18.140, the proposed project meets the definition of water dependent.
9. The River Center found the application complete and scheduled a public hearing for Monday, June 22, 2026.
10. Agency review was distributed on June 5, 2026. No comments or objections have been received from resource agencies to date.

11. 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 5, 2026. A total of 36 mailings were sent.
12. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
13. 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 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 Conditional Use Permit must be completed within three calendar years 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 Findings 6-8 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; **Conditions 1-11 and Findings 2, 8 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Conditions 1-3 and Finding 7 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Condition 1 and Finding 8 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 2, 1-12 and Finding 13 appear to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2026.

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.



KENAI PENINSULA BOROUGH - HABITAT PROTECTION DISTRICT PERMIT

Dustin Wearly
1132 N 780 W
Clinton, UT 84015

RC Number: 13825
Issued: 5/29/2026
Expires: Lifetime of Structure

6/11/2026

Dear Applicant,

Pursuant to KPB Chapter 21.18 Anadromous Waters Habitat Protection, your proposed project falls within the 50-foot Habitat Protection District (HPD). The River Center has reviewed and approved your permit application. Please review the entire document, as you are responsible for meeting all terms and conditions contained herein. All project development must remain in compliance with KPB Chapter 21.18 as long as the development is located in the HPD.

Project Location

Parcel ID: 05525312
Legal Desc: T 5N R 10W SEC 7 SEWARD MERIDIAN KN 2005058 RIVERWOOD SUB
2000 ADDN TRACT A1
Waterbody: Kenai River

Project Description

Applicant would like to place ELP structures along the water, a 20 foot by 8 foot ELP platform and a small set of access stairs up to it.

Applicant is also applying to place a gravel pad partially within the 50 foot HPD but this could be allowable via a Conditional Use Permit as the standards for a small lot provision are met. This would potentially be going for review at the KPB Planning Commission Meeting on June 22, 2026 for permitting.

Permit Conditions

This project will occur within the 50-foot HPD and is allowable under KPB Chapter 21.18, subject to the following conditions:

- The permittee may not damage or remove the existing riparian vegetation within the HPD unless explicitly permitted above.
- Construction techniques and best management practices shall be utilized to ensure that project activities do not result in runoff or sedimentation to the Kenai River.

- Storage or use of fuel is prohibited within 50 feet of any open water.
- The River Center shall be notified at least 3 days prior to the start of the project.
- This permit only authorizes the project to be installed on the above property. It does not allow the project to encroach onto neighboring properties, easements, or Rights of Way. The onus is on the property owner to ensure that the project meets this condition. KPB may require any encroaching structures to be removed at the owner's expense.

The spruce tree revetment shall be installed according to the following conditions:

1. Top of the trees must be oriented downstream.
2. The spruce tree revetment shall follow the contour of the existing bank and shall be placed in an undulating fashion to prevent an irregular streambank for fish habitat.
3. Install 4- to 6-inch diameter spruce trees parallel to the streambank and overlap 1/3 to 1/2 of their length in a shingle fashion with the trunk ends facing upstream.
4. Limbs and branches shall not be removed from the trees prior to installation.
5. Spruce trees installed shall be held in place using duck-billed earth anchors and cable driven into the riverbank.
6. Trees are to be secured tightly to the bank with 1/8-inch cable and earth anchors, every 4 to 6 feet.
7. In higher velocity systems, 3/16 cable and larger and more frequent earth anchors may be used.
8. There shall be nothing besides duck-billed earth anchors drilled into the bank of the Kenai River- no pipes or pilings.

The elevated light-penetrating (ELP) gateway will be constructed according to the following conditions:

1. Construct 20 feet of 60% ELP gateway along the river's edge, as described in submitted plans.
2. The ELP gateway, except for structural members, shall be constructed at least 4 inches above grade.
3. Construct 4 feet of ELP access gateway connected to the riverside ELP from upland as described in submitted plans.
4. Permittee is responsible for repairing any disturbance to the vegetation within the Habitat Protection District.

5. All ELP's should be removed from the bank at the end of the season or anchored to prevent floatation.

Advisories

Development that occurs in the HPD that does not comply with the conditions of this permit is prohibited and constitutes a violation subject to enforcement under KPB Chapter 21.50.

The permittee is responsible for the actions of the contractors, agents, or other persons who perform work to accomplish the approved activity.

The permittee shall comply with the terms, conditions and requirements of KPB 21.18, and is also responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project.

Pursuant to KPB 21.50.070(A), authorized KPB officials may access the property for the purpose of inspecting the project associated with this permit.

The KPB does not make any decisions or determinations regarding private disputes. It is the landowner's responsibility to know if their project complies with any additional private requirements. If within a Homeowners Association (HOA), it is recommended to contact the HOA for additional requirements and procedures. Private covenants, conditions, and restrictions are a civil matter and enforcement will not be done by the KPB.

Appeals

In accordance with KPB 21.20.250, you may appeal this decision within 15 days of the date of decision notice. Appeals must be filed with the Borough Clerk and by paying the filing, transcription, and records preparation fees in the amounts listed on the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. Unless the borough and the appellant agree otherwise, or the hearing officer orders otherwise, the appellant must pay the borough for the preparation of the record and transcripts of the proceedings. The borough will notify the appellant of the total cost. The appellant must pay the fee for the record and transcript preparation within thirty days of the borough's notice of cost, otherwise the appeal may be dismissed.

If the scope of this project changes in any way, you must notify the River Center and obtain written approval prior to beginning the activity.

Please contact our office with any questions regarding project activities at (907) 714-2460 or MAldridge@kpb.us.

Sincerely,

Morgan M. Aldridge

Morgan Aldridge

Planner

Donald E. Gilman River Center