

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)

Quinton, 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

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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

Applicant Information: (must be a landowner)

Name: Brian Lindamood (ARRC)
Mailing: P.O. Box 107500
Anchorage, AK 99510
Phone: 907-265-3095
Email: LindamoodB@akrr.com

Agent Information: (if applicable)

Name: Nicholas Havelock (ARRC)
Mailing: P.O. Box 107500
Anchorage, AK 99510
Phone: 907-265-2313
Email: HavelockN@akrr.com

Project Location:

KPB Parcel ID: N/A
Physical Address: 60.500999°, -149.361352°
ARRC MP 30.44
Subdivision: N/A
Lot: N/A Block: N/A Addition/No.: N/A

Waterbody Information:

Waterbody: Unnamed Drainage
Riverbank: (looking downstream) ☐ Left ☐ Right
River Mile: N/A

State of Alaska Permit Fees:

☐ \$100 - ADNR State Parks Permit

KPB Permit Fees: (select one)

☒ \$50 - KPB Habitat/Floodplain Permit
☐ \$300 - KPB Conditional Use/Floodway Permit

Project Information: ☒ New **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 checked="" 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 checked="" 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.*

The Alaska Railroad Corporation (ARRC) proposes a culvert replacement project at rail milepost 30.44, east of Moose Pass. The partially failed existing 24" X 44' round concrete pipe culvert supporting an unnamed drainage would be replaced with a 36" X 45' smooth steel pipe culvert. Two excavators will operate from the tracks and from a temporary work pad (up to 20' X 30') adjacent to the tracks. Up to 386 cubic yards (CY) of permanent fill will be required and includes existing material and D-1 for competent bedding; excavated material not re-used will be placed in ARRC right-of-way (ROW) uplands and outside of the floodplain. Up to 35CY of Class II riprap will be placed at the inlet and outlet for energy dispersion and erosion protection. Necessary damming for water diversion may be required to allow construction activities to be performed in-the-dry. All work will be within the ARRC ROW.

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

KPB Tax Credit Program: The Borough 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	\$ _____
Habitat Restoration & Protection	\$ _____
Green Infrastructure	\$ _____
Other Activities	\$ _____

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 ☐ No
4. Does any portion of the project extend below the OHW or MHW of the waterbody? ☐ Yes ☐ No
5. Does any portion of the project cantilever or extend over the MHW of the waterbody? ☐ Yes ☐ No
6. Will anything be placed below OHW or MHW of the waterbody? ☐ Yes ☐ No

Regulatory Floodplains:

7. Is the property where the project is taking place near or within a regulatory floodplain? ☒ Yes ☐ No
- 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.): \$ N/A

Excavation, Dredging, and Fill:


8. Will material be excavated or dredged from the site? ☐ Yes ☐ No
- 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 above 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
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
- b. Is this fill permanent or temporary? ☒ Perm ☐ Temp
- c. Area to be filled above OHW or MHW:
Length: _____ (ft), Width: _____ (ft), Depth: _____ (ft), Total Cubic Yards: 421 Max
- d. Area to be filled below 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: ☒ Yes ☐ No
Excavators, remote compactor, hyrails for access
- 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 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 KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local regulations.


Applicant Signature (required)


Agent Signature (if applicable)

5/13/2025
Date

5/13/2025
Date

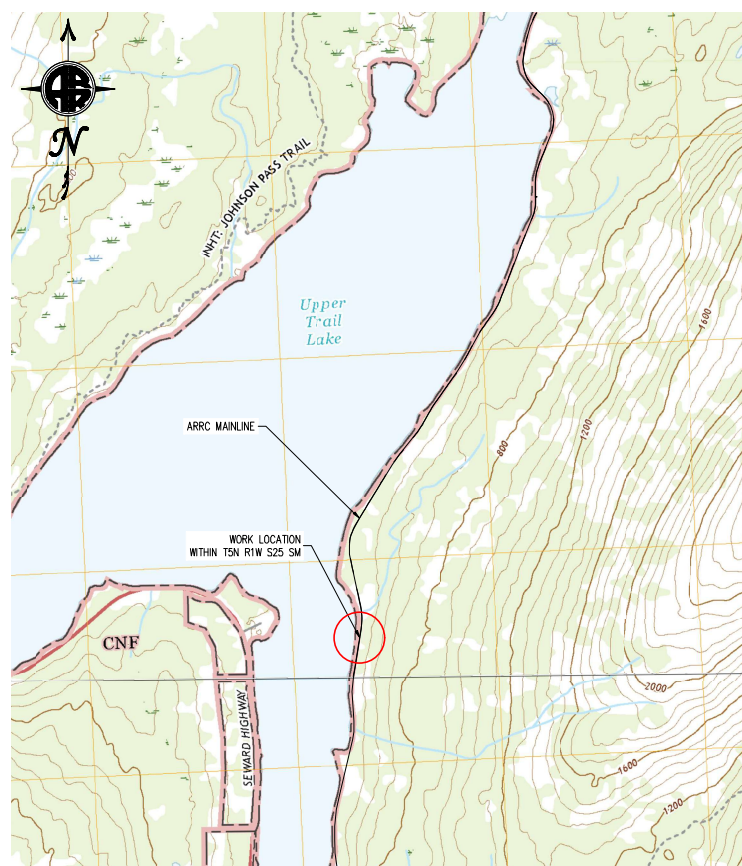
**ARRC – MP 30.44 Culvert Replacement
Site Photographs – Summer 2021**



Photo 1. MP 30.44 culvert inlet area (buried)



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



SITE LOCATION

SCALE: 1" = 2000'

CONSTRUCTION NOTES:-

1. (N.) = NEW CONSTRUCTION.
(E.) = EXISTING CONSTRUCTION.
(F.O.) = APPROXIMATE LOCATION OF FIBER OPTIC.
2. FILL VERIFY LOCATION (OFFSET AND DEPTH) OF F.O. UTILITIES AND ADD NOTE ON RECORD DRAWINGS, ASSUMED TO BE 2' FROM EDGE OF THE 4' & 4' BELOW TOP OF THE UTILITY OWNER MAY BE REQUIRED TO BE PRESENT DUE TO POTENTIAL CONFLICT.
3. TOP OF THE 6" APPROXIMATELY 499.85 (NAD83).
4. BENCH EXISTING EMBANKMENT PRIOR TO PLACEMENT OF NEW FILL, WHERE PRACTICABLE.
5. TEMPORARY WORK PAD DIMENSIONS EXTENTS ARE APPROXIMATELY 30 FT X 20 FT. WORK PAD MATERIAL (SELECTED MATERIAL, TYPE A, SHALL NOT BE PLACED AGAINST BALLAST).
6. TEMPORARY WORK PAD FILL VOLUME APPROXIMATELY 278 CU YD.
7. ESTABLISH FLOWLINE AND FILL REQUIRED TO MATCH THE FLOWLINE AGAINST BALLAST.
8. FILL FIT AND TAPER NEW EMBANKMENT INTO EXISTING EMBANKMENT.
9. PLACEMENT OF RIPRAP, CLASS 1, SHALL BE PLACED IN ACCORDANCE WITH ARCD STANDARDS. RIPRAP APRONS ARE INTENDED TO BE INSTALLED AS NEEDED.
10. WATER TYPES SUCH WHEN FILL IS REQUIRED TO MATCH THE FLOWLINE OF THE DITCH. WATER WILL BE PUMPED FROM INLET SIDE TO OUTLET SIDE DURING CONSTRUCTION.

UTILITIES:

VERIFY ALL UNDERGROUND UTILITIES PRIOR TO DIGGING.

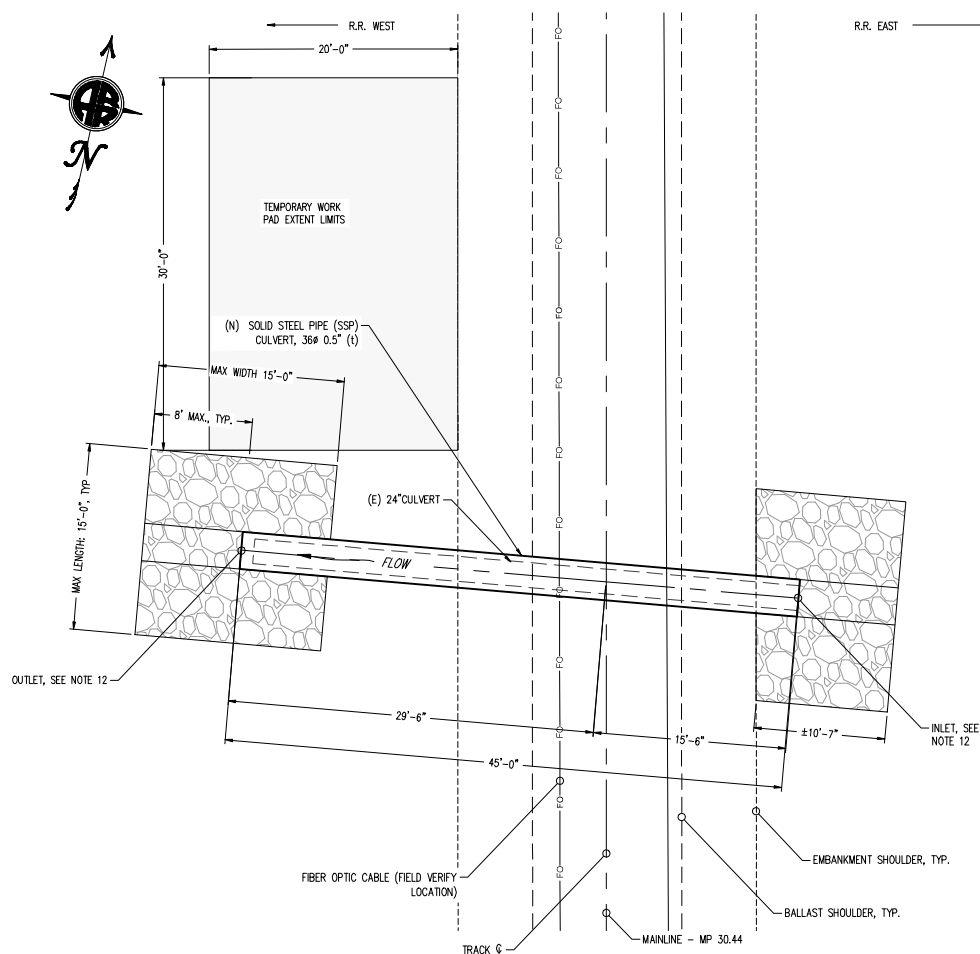
LOCATE CALL CENTER OF ALASKA (811):
- ANCHORAGE 1 907 278 3121

- ANCHORAGE1,907,278.3121
- STATEWIDE1,800,478.3121

CALL CENTER WILL NOTIFY SUBSCRIBED UTILITIES ONLY, OTHER UTILITIES NEED TO BE CONTACTED INDIVIDUALLY.

REFERENCE:

- REFERENCE:
- ARRC STANDARD DRAWING, X-01-04 FOR ADDITIONAL DETAILS



MP 30.44 SITE LOCATION

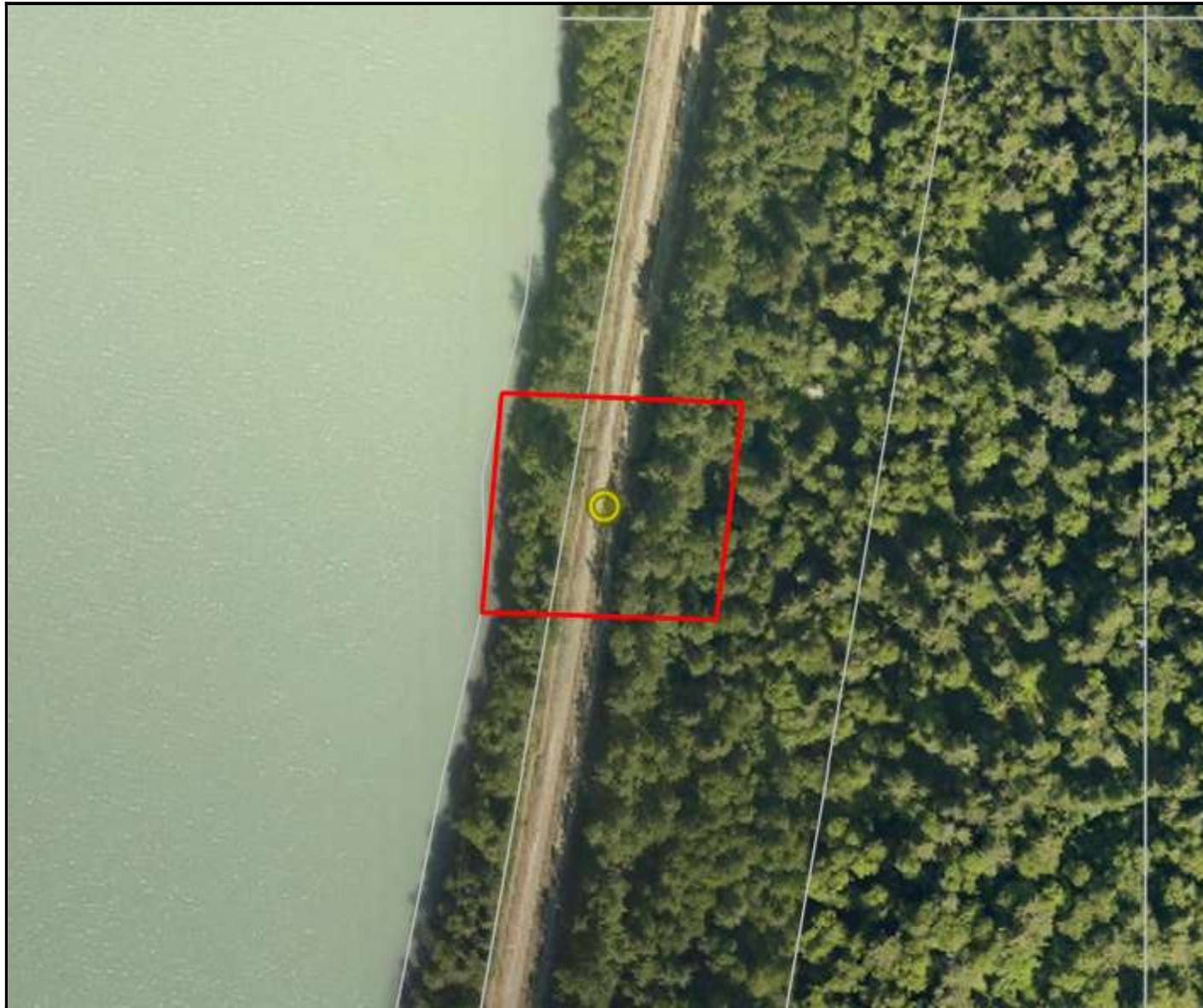
SCALE: 1" = 10'

SSP CULVERT DETAILS		
STRUCTURE	OFFSET (FT)	RELATIVE ELEVATION (FT)
CL TOP OF TIE	0	0
(E) INLET	15.5 RT	8.2
(E) OUTLET	28.5 LT	15.5
(N) INLET	15.5 RT	8.2
(N) OUTLET	29.5 LT	12.7

- * MINIMUM COVER MUST EXCEED 2' 0". ANTICIPATED GRADE OF NEW SSP CULVERT CALCULATED AT $\pm 10\%$ ($\pm 2.5"$ OF ELEVATION CHANGE PER 1' OF LENGTH) BUT MAY BE FIELD FIT TO EXISTING CONDITIONS GIVEN THE SLOPE IS NO LESS THAN 0.5% ($\pm 0.25"$ OF ELEVATION CHANGE PER 4' OF LENGTH)
- * ALL RELATIVE ELEVATION MEASUREMENTS ARE MEASURED FROM TOP OF TIE TO TOP OF PIPE.

MATERIAL QUANTITY ESTIMATE		
MATERIAL TYPE	QUANTITY ESTIMATE	PERMIT MAXIMUM
BALLAST, TYPE 3A	27 CY	40 CY
BASE COURSE, D-1	257 CY	386 CY
RIPRAP, CLASS II	23 CY	35 CY
TOTAL PERMANENT FILL	307 CY	461 CY
TEMPORARY FILL -- WORK PAD		
SELECTED MATERIAL	278 CY	417 CY

- * MATERIAL QUANTITIES ARE ESTIMATED USING NEAT LINES AND APPROXIMATE GRADES ON THIS DRAWING. NO CONTINGENT VOLUME OF MATERIAL IS ADDED TO ACCOUNT FOR SETTLEMENT, COMPACTION, WASTE, OR CHANGED SITE CONDITIONS.



0 250 500
ft

AKRR Culvert

 **Project Area**

KPB Parcel(s):

..

Project Description:

replacement culvert along AKRR ROW

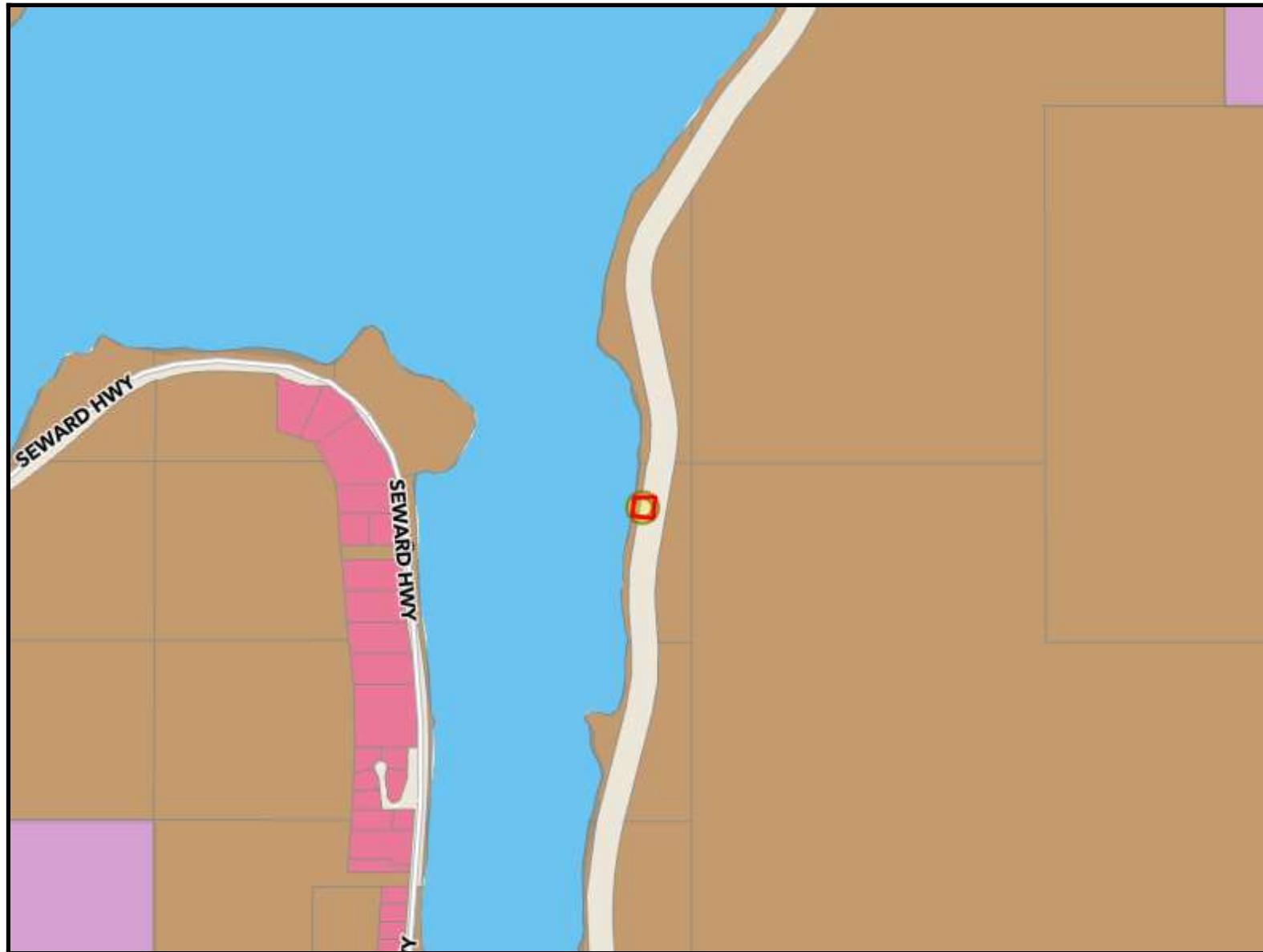
Vicinity: Remote



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


Lots


Lot Lines

Lot Polygons



Parcel Ownership Type

 Borough

 Federal

 Native

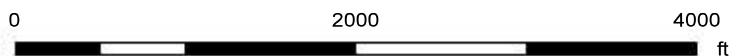
 Native Allotment

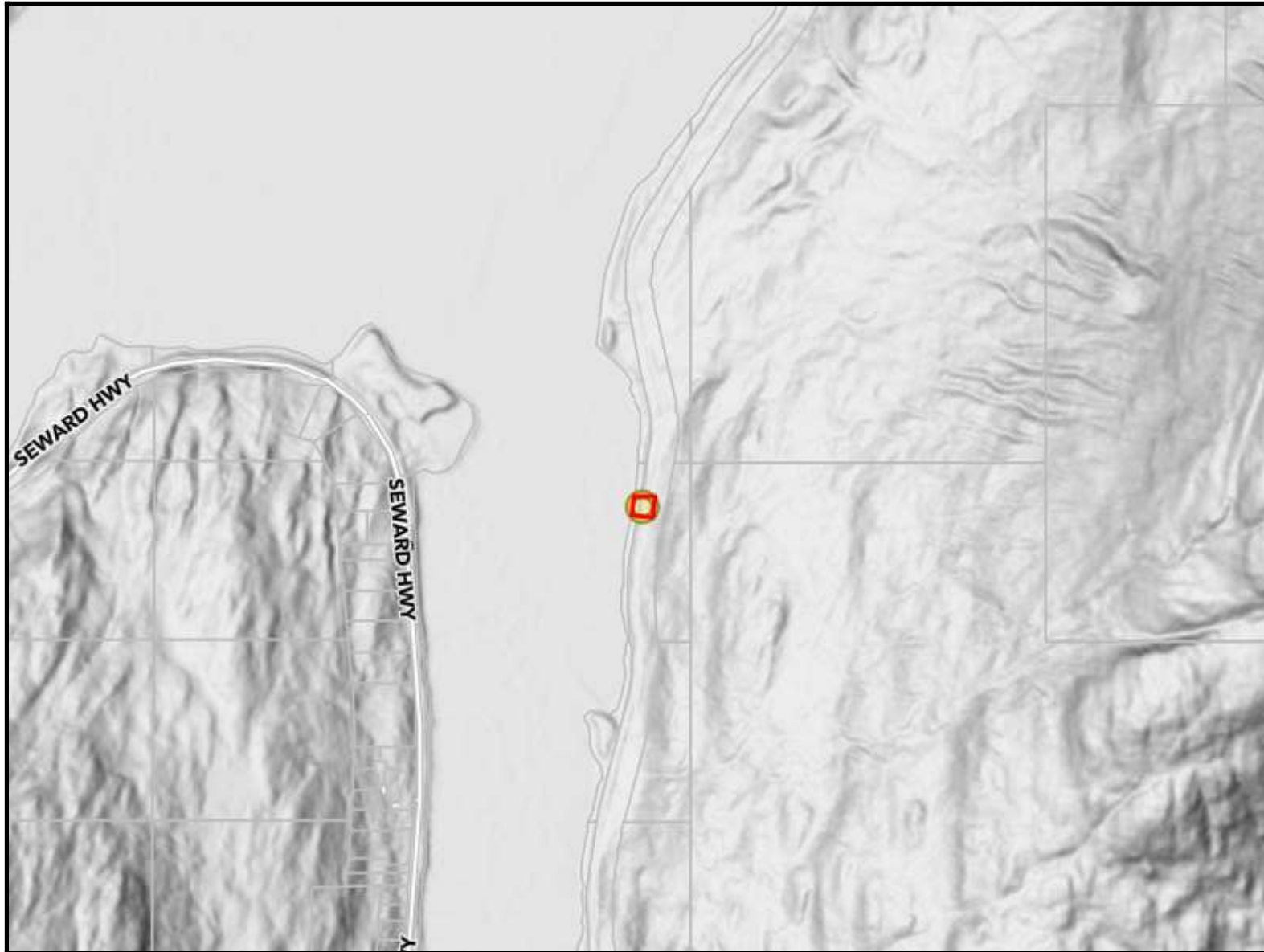
 Municipal

 Private

 State

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





 **Project Area**

KPB Parcel(s):

..

Parcel and PLSS

Tax Parcels



Lots

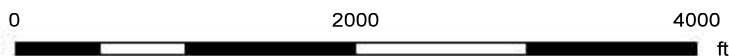
Lot Lines

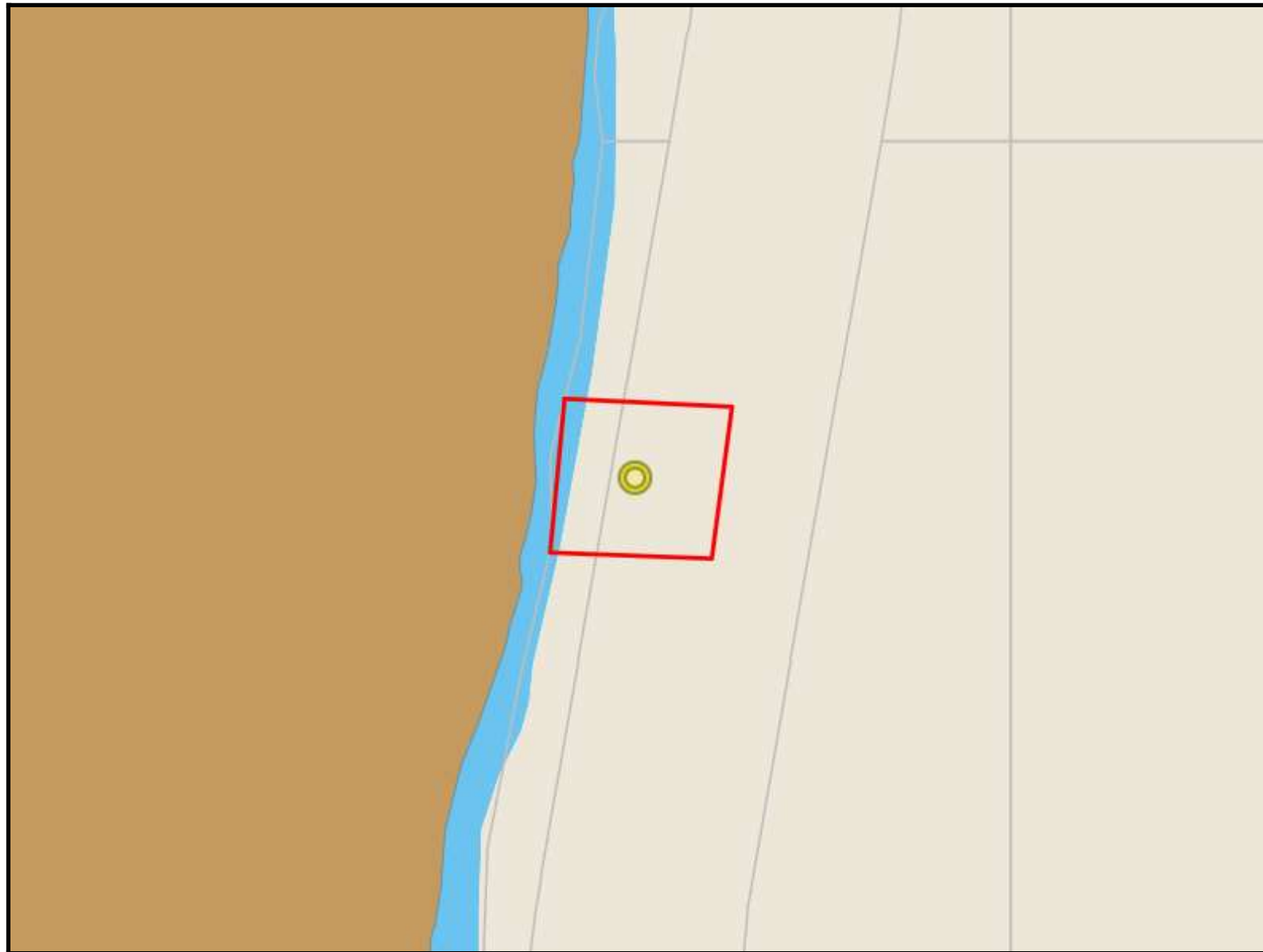


Lot Polygons



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





 **Project Area**

KPB Parcel(s):

..

Parcel and PLSS

Tax Parcels



Lots

Lot Lines



Lot Polygons





Landcover Features


KWF Wetlands Assessment


 DISTURB

 Depression

 Discharge Slope


 Drainageway

 Floating Island

 Headwater Fen

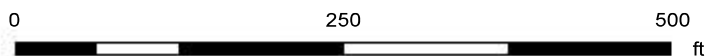
 Kettle

 LAKE

 Lakebed

 Late Snow Plateau

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



**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 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."
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11. Agency review was distributed on June 13, 2025. No comments or objections have been received from resource agencies to date.
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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.**

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 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 EFFECTIVE ON THE _____ 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.