

E. NEW BUSINESS

1. Condition Use Permit; PC Resolution 2024-10

Petitioner: Hoback

Request: To construct a cedarplank fence partially within the 50' HPD of the Kenai River

Location: 36120 Stephens Drive

Sterling Area

Multi-Agency Permit Application



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

Applicant Information: (must be a landowner)

Name: JOHN HOBACK
 Mailing: 35555 KENAI SPUR HWY
410, SOLDOTNA AK.
 Phone: 907-223-6771
 Email: seagallexalaska@aqli.com

Agent Information: (if applicable)

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

Project Location:

KPB Parcel ID: 06 356 009
 Physical Address: 36120 STEPHENS DR
STERLING AK
 Subdivision: BOSN LANDING
 Lot: 13 Block: 1 Addition/No.: _____

Waterbody Information:

Waterbody: KENAI RIVER
 Riverbank: (looking downstream) Left Right
 River Mile: 29
T5N, R09W, SEC. 21 S.M.
BOSN LANDING SUBDIVISION PART 1
(BLOCK 1), LOT 13
KRC TRACKING - #7899

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 type="checkbox"/> Culvert | <input type="checkbox"/> Oil & Gas | <input type="checkbox"/> Stream Crossing |
| <input type="checkbox"/> ELP Structures | <input type="checkbox"/> On-Site Utilities | <input type="checkbox"/> Utility Line/Easement |
| <input type="checkbox"/> Equipment Stream Crossing | <input type="checkbox"/> Prior-Existing Structure | <input type="checkbox"/> Veg Mat |
| <input type="checkbox"/> Excavation, Dredging, and/or Fill | <input type="checkbox"/> Revegetation | <input type="checkbox"/> Vegetation Removal |
| <input checked="" type="checkbox"/> Fence Installation | <input type="checkbox"/> Root Wads | <input type="checkbox"/> Water Withdrawal |
| | | <input type="checkbox"/> Other: _____ |

Project Description: Provide a detailed description of your project; attach additional pages if necessary.

INSTALL 8' FENCE ALONG PROPERTY LINE (SEE ATTACHED)
FENCE INSTALLED TO RESET FLOOD PLAIN

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: AUG 1 End date: SEPT 1 Estimated Days of Construction: 30
- 2. Is any portion of the work already complete? If yes, please describe: 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.): \$ _____

Excavation, Dredging, and Fill:

- 8. 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: _____
- 9. Will any material (including soils, debris, and/or overburden) be used as fill? Yes No
 - a. Type of material(s): _____
 - b. Is this fill permanent or temporary? Perm Temp
 - c. Area to be filled above OHW or MHW:
Length: _____ (ft), Width: _____ (ft), Depth: _____ (ft), Total Cubic Yards: _____
 - d. Area to be filled below OHW or MHW:
Length: _____ (ft), Width: _____ (ft), Depth: _____ (ft), Total Cubic Yards: _____

Motorized Equipment:

- 10. Will you be using motorized equipment for this project? If yes, please list all equipment: Yes No
HOLE AUGER
- a. Will you be crossing a stream or waterbody? Yes No
- b. How long will equipment be used below OHW or MHW? _____

Signature & Certification:

This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge and that my site plans or drawings are attached. If applying for a tax credit, I certify that I have not begun construction of the project and that the project will be constructed to the standards in 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)

7/9/24
Date

Agent Signature (if applicable)

Date

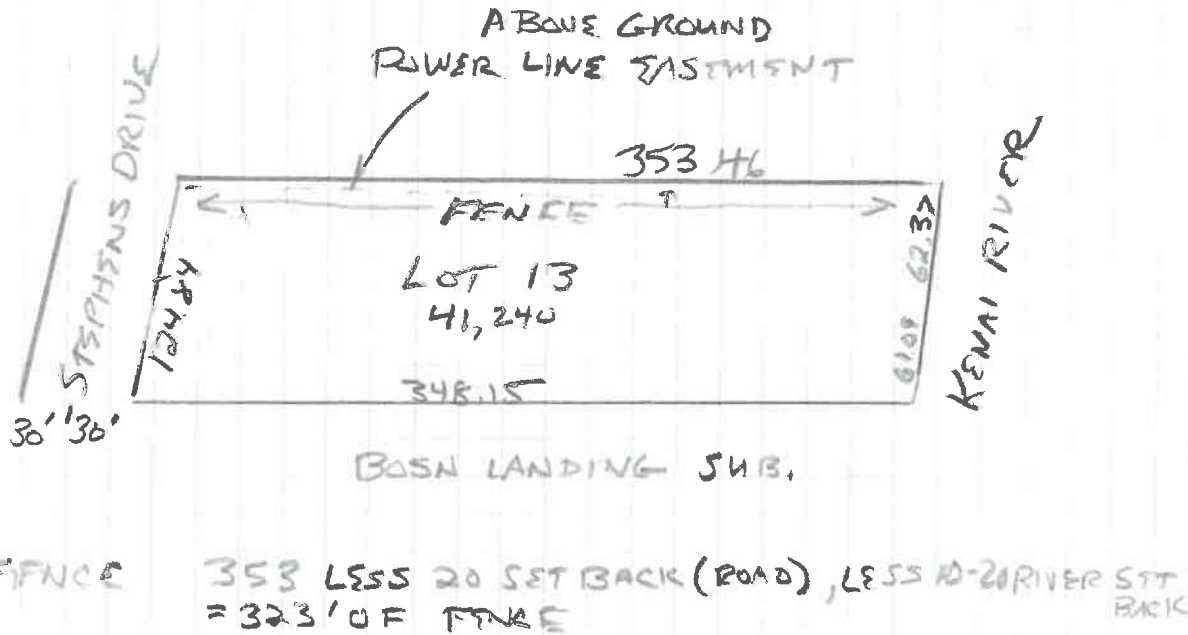
Project Drawings: Top View

Drawings do not have to be to scale, but **must** show the following:

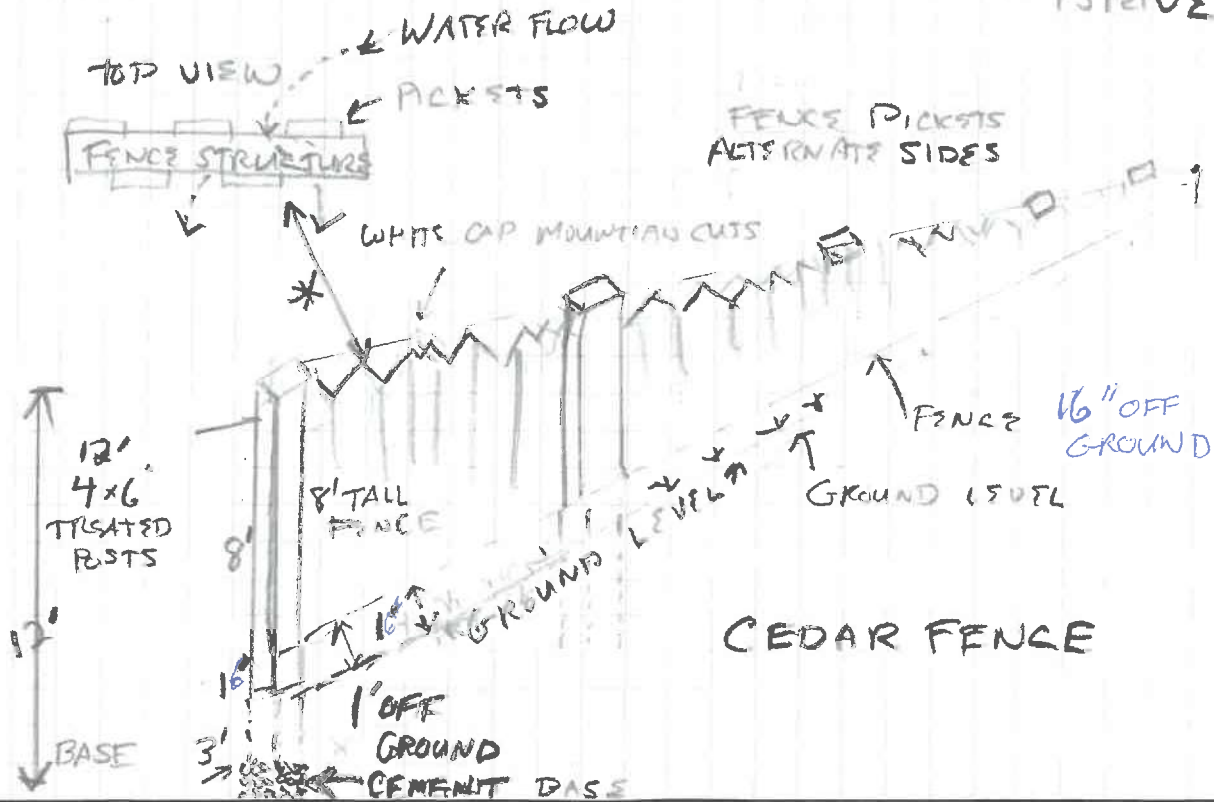
- Property boundaries
- Floodplain zone(s)
- OHW or MHW line
- Dimensions for all structures
- 50-foot Habitat Protection District
- Length, width, height



North



ESTIMATE - 353' LESS ROAD SET BACK OFF STEPHENS DRIVE



Attention **Morgan Aldridge**
From: **John Hoback**
Re: **Fence on Lot 13 Bosn Landing**
Date: **July 24,2024**

Our plan is to install 30 feet of cedar plank fence with in the 50 foot Habitat Protection District, it will be 8 feet tall and elevated 16 inches off the ground. The planks will be alternating as to allow for the free flow of water as per the FEMA floodplain requirements. There will be 4x6 posts sunk into the ground (with cement base) at approximately 8 ft. intervals (estimate to be 3-4 ea). within the Habitat protection area setback.

Thank you,

John Hoback
907-223-6771
seagalleyalaska@aol.com



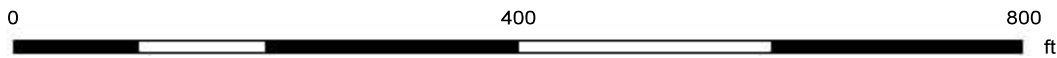
Conditional Use Permit Fence

 Project Area

KPB Parcel(s):
06356009

Project Description:

Vicinity: Sterling



Map created by Aldridge, Morgan
Wednesday, July 17, 2024

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.



Ownership Map

Conditional Use Permit

Fence

 **Project Area**


KPB Parcel(s):

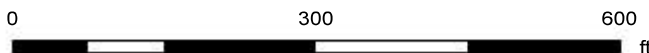
06356009

Parcel Ownership Type

Parcel Ownership

 Private

 State





Wetlands Map Conditional Use Permit Fence

Project Area

KPB Parcel(s):

06356009

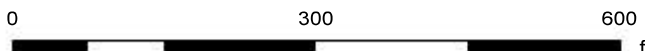
Tax Parcels

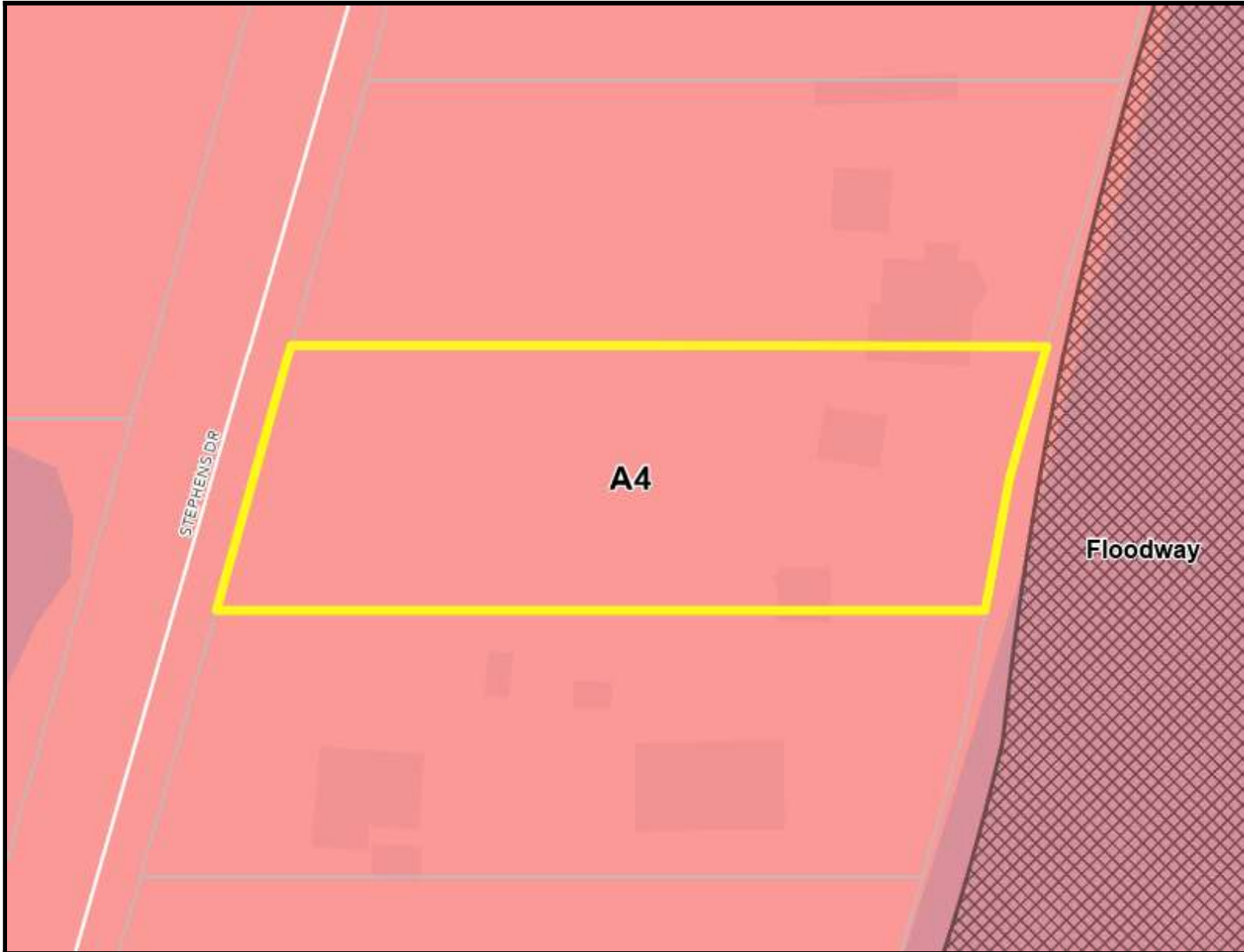


Landcover Features

KWF Wetlands Assessment

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





KPB Parcel ID(s):

06356009

Selected Parcel Boundary or Boundaries



Tax Parcels



Regulatory Floodplain

Regulatory Floodway



Floodplain



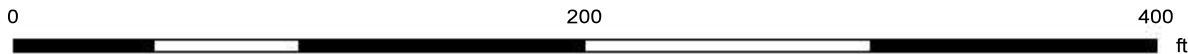
A4

Floodway

STEPHENS DR

Community Flood Insurance Rate Map (FIRM) Panel(s):

0200122065A



For a detailed description of the mapped floodplain areas, please see the letter accompanying this map.

From: [Hindman, Julie](#)
To: [Aldridge, Morgan](#)
Subject: RC Permit 13497
Date: Monday, July 15, 2024 2:54:10 PM
Attachments: [06356009 Floodplain Determination.pdf](#)
[image001.png](#)

I have reviewed the Multi-Agency Permit Application received for parcel 063-560-09. The proposed design of offset boards and 16 inch clearance along bottom are acceptable for floodplain permitting. It appears that no portions are proposed to be within the mapped floodway. The floodplain permit will not be issued until approval for the project has been issued by the Planning Commission and any additional requirements per that issuance will be included in the conditions of the permit as allowed by 21.06.

Please find attached a floodplain determination done for the property.

Julie Hindman

Planner – Floodplain Administrator
Donald E. Gilman River Center
KPB Planning Department
907-714-2463

KENAI PENINSULA BOROUGH
514 Funny River Road
Soldotna, Alaska 99669





KENAI PENINSULA BOROUGH PLANNING COMMISSION 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 Kenai River. 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 36120 Stephens Dr, Sterling, Alaska, Parcel ID 06356009. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

Land owner at the above address is requesting to construct a cedar plank fence partially within the 50-foot HPD of the Kenai River.

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, August 12, 2024 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, August 9, 2024.**

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.

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

PC Res No. 2024-10
Planning Commission Meeting: August 12, 2024
Applicant John Hoback
Mailing Address 35555 Kenai Spur Highway #410
Soldotna, AK 99669
Legal Description T 5N R 9W SEC 21 SEWARD MERIDIAN KN 0770101
BOS'N LANDING SUB PART 1 LOT 13 BLK 1
Physical Address 36120 Stephens Dr
KPB Parcel Number 06556009

Project Description

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

Background Information

Applicant has applied to place a cedar plank privacy fence along the side of the parcel. It will be set back from the river 20 feet. It will be set back from the road 20 feet. It will be 16 inches off the ground and will be 8 feet tall. The planks will alternate to each side for water flow. It will be constructed to meet the FEMA regulatory floodplain requirements to allow water to flow through freely during a flood event. There will be four, four by six treated posts placed in the ground in concrete for stabilizing the sections.

Project Details within the 50-foot Habitat Protection District

1. Four (4), 4 x 6-inch fenceposts sunk into concrete for support.
2. A 30-foot long cedar plank fence, with planks alternating on each side, allowing water to freely flow.

Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(2), construction of a fence may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Per KPB 21.06.050, the fence will be constructed to floodplain requirements as the planks will be placed on alternating sides, allowing water to freely flow.
7. Per KPB 21.06.050, the fence will be constructed 16 inches off the ground in order to allow for additional water flow during flood events.
8. Fence will be set back from the river 20 feet to allow for wildlife passage.
9. 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.
10. 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."
11. The River Center found the application complete and scheduled a public hearing for August 12, 2024.
12. Agency review was distributed on July 26, 2024. No comments or objections have been received from resource agencies to date.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 26, 2024. A total of 11 mailings were sent.
14. Public notice of the project was posted pursuant to KPB 01.08.180(B)(1)(3).
15. The applicant is currently in compliance with Borough permits and ordinances.

Permit Conditions

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

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

General Standards

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-5, 11, 12 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other

applicable planning documents adopted by the borough; **Condition 11 and Findings 1-8 appear to support this standard.**

3. The development of the use or structure shall not physically damage the adjoining property; **Finding 9 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1-4,10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Conditions 11, 12 appear to support this standard.**

Attachments

Multi-Agency Application
Floodplain Authorization
Draft Resolution 2024-10

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 2024-10.

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 2024-10

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

WHEREAS, Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and

WHEREAS, KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and

WHEREAS, KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and

WHEREAS, public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and

WHEREAS, public notice of the project was posted as pursuant to KPB 1.08.180(B)(1)(3); and

WHEREAS, public testimony was received at the August 12, 2024 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

1. Four (4), 4 x 6-inch fenceposts sunk into concrete for support.
2. A 30-foot long cedar plank fence, with planks alternating on each side, allowing water to freely flow.

Section 2. Findings of fact pursuant to KPB 21.18.081

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

2. Pursuant to KPB 21.18.081(B)(2), construction of a fence may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Per KPB 21.06.050, the fence will be constructed to floodplain requirements as the planks will be placed on alternating sides, allowing water to freely flow.
7. Per KPB 21.06.050, the fence will be constructed 16 inches off the ground to allow for the additional flow of water during flood events.
8. Fence will be set back 20 feet from the river to allow for wildlife passage.
9. 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.
10. 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."
11. The River Center found the application complete and scheduled a public hearing for August 12, 2024.
12. Agency review was distributed on July 26, 2024. No comments or objections have been received from resource agencies to date.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 26, 2024. A total of 11 mailings were sent.
14. Public notice of the project was posted pursuant to KPB 01.08.180(B)(1)(3).
15. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.

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

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 1-5, 11, 12 and Finding 4 appear to support this standard.**

2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Condition 11 and Findings 1-8 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 9 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1-4, 10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11, 12 appear to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2024.

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.