

E. NEW BUSINESS

4. Conditional Use Permit; PC Resolution 2026-24

Applicant: Basil

Request: Install a boat launch & dock in the HPD of Daniels Lake

KPB Parcel ID # 01322068

Nikiski Area

RUFF START

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: DONALD BOSTON
Mailing: 36210 KENAI SPUR HWY
SOLDOTNA AK 99669
Phone: 907-252-9503
Email: donboston49@yahoo.com

AGENT: (if applicable)

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

PROJECT LOCATION:

KPB Parcel ID: 01322067 & 01322068
Physical Address: 000 CANDLE CIRCLE
NIKISKI AK 99635
Subdivision: _____
Lot: 102 Block: _____ Addition/No.: CANDLE CIRCLE
SUBD: VI + 10W

WATERBODY INFORMATION:

Waterbody: DANIELS LAKE
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 checked="" 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 type="checkbox"/> Fence Installation | <input type="checkbox"/> Root Wads | <input type="checkbox"/> Water Withdrawal |
| | | <input type="checkbox"/> Other: <u>Removable Dock</u> |

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

PUT IN GRAVEL ON BOAT LAUNCH
PUT IN BOAT DOCK 40' X 40' WITH
ALUMINUM DECK 30' INTO WATER 10 FT LAND

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

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

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

PROJECT QUESTIONS:

1. Start date: May 1/26 End date: June 15 26 Estimated Days of Construction: 10
2. Is any portion of the work already complete? If yes, please describe: Yes No
Boat Launch is there and I want to put in
3. Is your project located on land or waters of an Alaska State Park? More Gravel Yes No

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

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

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

Regulatory Floodplains:

8. Is the property where the project is taking place near or within a regulatory floodplain? 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:

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 fill, approx 1 foot deep
- b. Is this fill permanent or temporary? Permanent Temporary
- c. Area to be filled above OHW or MHW:
Length: 50 (ft) Width: 12 (ft) Depth: 1 foot (ft) Total Cubic Yards: 40
- d. Area to be filled below OHW or MHW:
Length: 30 (ft) Width: 12 (ft) Depth: 1 foot (ft) Total Cubic Yards: 20

Motorized Equipment:

11. Will you be using motorized equipment for this project? If yes, please list all equipment: Yes No
- 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.

[Signature] 3-3-26 _____ Date

Owner Signature (required) **Date** **Agent Signature (if applicable)** **Date**

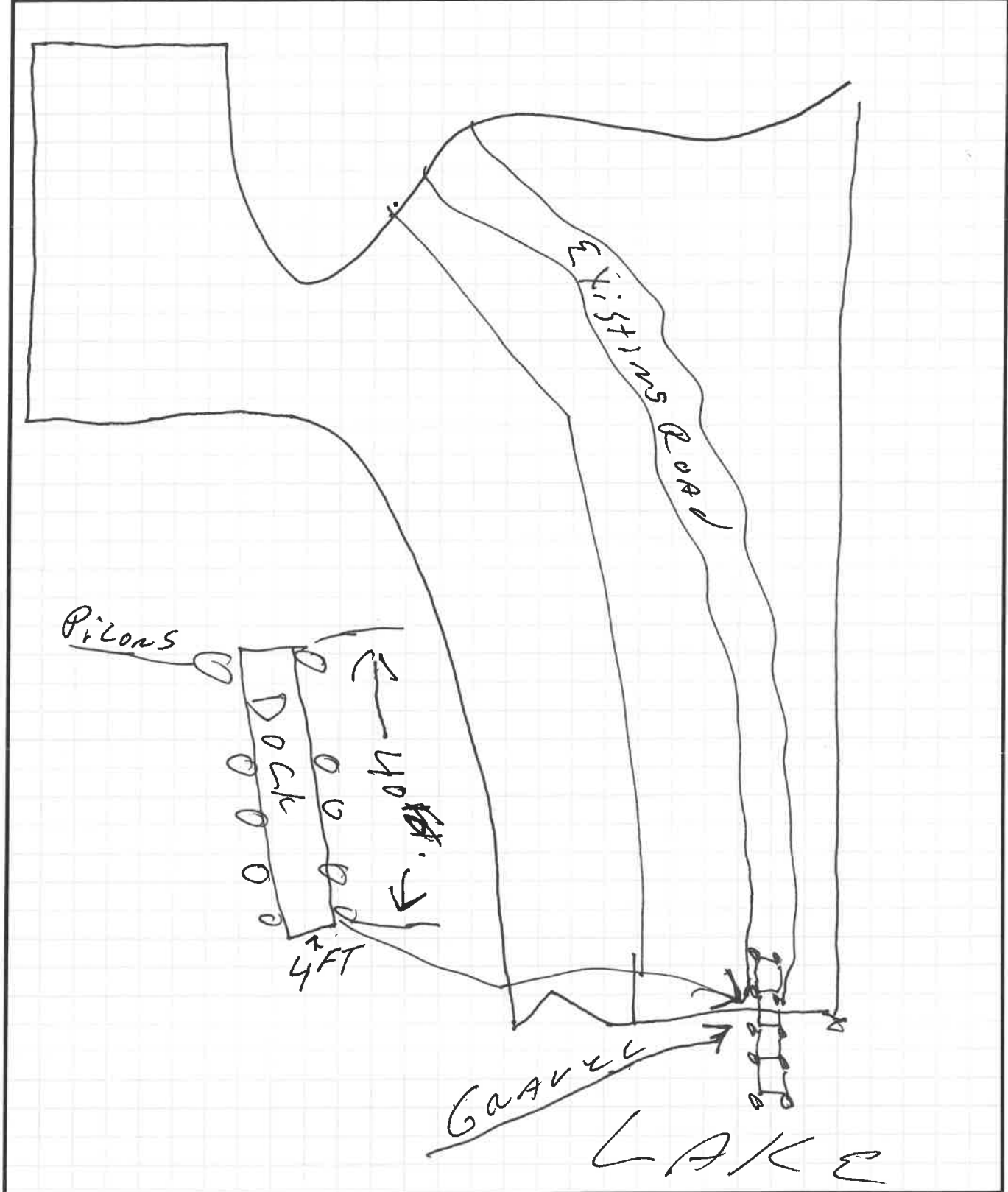
Project Drawings: Top View

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

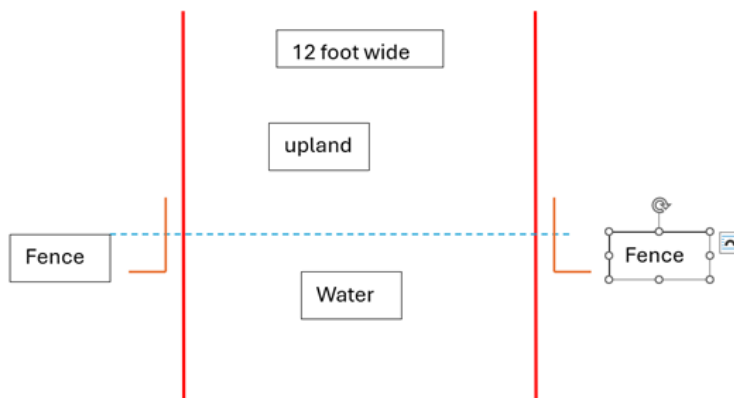


Project Details as discussed with applicant and permitting agencies:

1. You plan to put in a 12-foot wide gravel boat launch, extending up to 30-feet into Daniel's Lake, on your parcel 01322068, or the northern most parcel you own on the lake.
2. The boat launch will use up to 60-cubic yards of pit run gravel total, with up to 20-cubic yards of material placed below the water line.
3. The dock will be elevated on pipe drilled into the lakebed and will not be supported by floats. Metal grating is the preferred decking material. The dock will start on shore, with 4 piles driven on shore and 6 in the water, to hold Elevated, Light Penetrating platforms (the metal grating) for the deck itself, and it will be 10 foot on the shore and then 30 foot out into the lake.
4. The size of your boat launch will be minimized to the extent practicable based on ability to seasonally launch your boat from your property.
5. At least 50% of your lake frontage will remain vegetated with in-tact, native vegetation.
6. The boat launch will be sloped on the sides with a 2:1 ratio to minimize run off, similar to the photo below



7. As the work is being done you may need to utilize a silt fence or silt curtain. The placement of the fence or curtain should be at the water's edge while the upland portion of the project is being done. Once the in water work begins, the fence or curtain should be moved to the water's edge on the edge of the gravel placement. Once the project is complete and all material has been properly compacted to reduce movement, the fence or curtain may be removed.

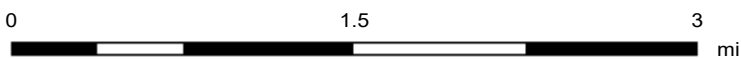
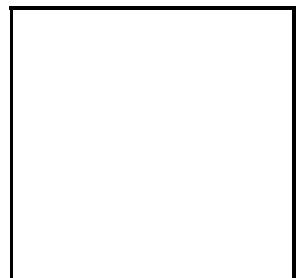


8. _____





Legend



Wednesday, April 29, 2026

Map created by Aldridge, Morgan

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.



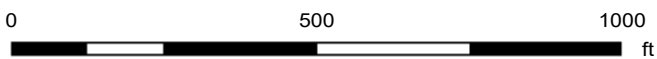
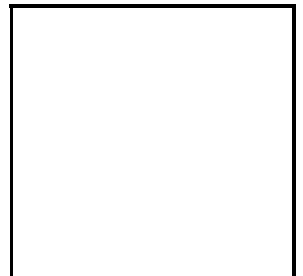
KENAI PENINSULA BOROUGH Planning



Boat Launch



Legend



Wednesday, April 29, 2026

Map created by Aldridge, Morgan

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

PC Res No. 2026-24
Planning Commission Meeting: Monday, May 11, 2026
Applicant Donald Boston
Mailing Address 36210 Spur Highway
Soldotna, AK 99669
Legal Description T 8N R 11W SEC 34 SM KN 0870091 CANDEE COVE
SUB LOT 1
Physical Address Candee Circle
KPB Parcel Number 01322068

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of boat launch and a floating dock within the 50-foot Habitat Protection District of Daniels Lake, as established in KPB 21.18.040.

Background Information

Applicant requests to construct a 12 foot wide boat launch out of gravel and construct a 30 foot floating dock on the lake for access.

Project Details within the 50-foot Habitat Protection District

- placement of fill 12 foot wide, in the 50 foot setback to the water's edge, then continuing out 30 feet into the lake
- approximately 60 cubic yards of pit run fill to be used on launch, of which 20 cubic yards will be below water line
- construction of a 40 foot ELP dock, 10 feet which will be on land with 4 piles, 30 feet which will be in the water on 6 piles

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)(12), construction of boat launch 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. At least 50% of the lake frontage on this parcel will remain vegetated with in-tact, native vegetation.
7. Per KPB 21.18.081(B) (12) this lake does not have a public boat launch.
8. In accordance with KPB 21.18.081, the land owner plans to utilize sloped construction on the launch and a silt fence for erosion and sediment control measures during installation of boat launch.
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. Pursuant to KPB 21.18.140, the proposed project meets the definition of water dependent.
11. The River Center found the application complete and scheduled a public hearing for Monday, May 11, 2026.
12. Agency review was distributed on April 16, 2026. No comments or objections have been received from resource agencies to date.
13. Notice of this project was sent to the Nikiski Advisory Planning Commission at their regularly scheduled meeting on May 7, 2026. The APC recommendations can be found in the desk packet.
14. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on April 16, 2026. A total of 17 mailings were sent.
15. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
16. 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 Daniels Lake.
2. The boat launch 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 two 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)).

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; **Condition 1 and Finding 6, 7 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; **Findings 15, 16 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Finding 9 appears to support this standard.**

5. Applicant's or owner's compliance with other borough permits and ordinance requirements;
Condition 11, 12 and Finding 16 appear to support this standard.

Attachments

Multi-Agency Application
Draft Resolution 2026-24

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 2026-24.

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 2026-24

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF BOAT LAUNCH AND FLOATING DOCK WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE DANIELS LAKE.

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, May 11, 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

- placement of fill 12 foot wide, in the 50 foot setback to the water's edge, then continuing out 30 feet into the lake
- approximately 60 cubic yards of pit run fill to be used on launch, of which 20 cubic yards will be below water line
- construction of a 40 foot ELP dock, 10 feet which will be on land with 4 piles, 30 feet which will be in the water on 6 piles

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)(5), construction of a boat launch 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. At least 50% of the lake frontage on the parcel will be remain vegetated with in-tact, native vegetation.
7. Per KPB 21.18.081(B) (12) this lake does not have a public boat launch.
8. In accordance with KPB 21.18.081, the land owner plans to utilize sloped construction on the launch and a silt fence for erosion and sediment control measures during installation of the boat launch.
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. Pursuant to KPB 21.18.140, the proposed project meets the definition of water dependent.
11. The River Center found the application complete and scheduled a public hearing for Monday, May 11, 2026.
12. Agency review was distributed on April 16, 2026. No comments or objections have been received from resource agencies to date.
13. Notice of this project was sent to the Nikiski Advisory Planning Commission at their regularly scheduled meeting on May 7, 2026. The APC recommendations can be found in the desk packet.
14. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on April 16, 2026. A total of 17 mailings were sent.
15. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
16. 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 Daniels Lake.

2. The boat launch and dock 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 two 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; **Condition 1 and Finding 6, 7 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; **Findings 15, 16 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Finding 9 appears to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Condition 11, 12 and Finding 16 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.