



## Meeting Agenda Planning Commission

---

Monday, June 22, 2026

7:30 PM

Betty J. Glick Assembly Chambers

---

**Zoom Meeting ID: 907 714 2200**

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible

### ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>

Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

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

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

### A. CALL TO ORDER

**B. ROLL CALL****C. APPROVAL OF CONSENT AND REGULAR AGENDA**

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

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

1. Time Extension Request - None
2. Planning Commission Resolutions - None
3. Plats Granted Administrative Approval

[KPB-7806](#) 6/22/26 Administrative Approvals Report

Attachments: [C3. 062226 Admin Approval Report](#)

4. Plats Granted Final Approval (KPB 20.10.040) - None

[KPB-7811](#) 6/22/26 Final Approvals Report

Attachments: [C4. 062226 Final Approval Report](#)

5. Plat Amendment Request - None
6. Commissioner Excused Absences
  - a. Vacant - City of Seward

7. Minutes

[KPB-7808](#) 06-08-26 PC Meeting Minutes

Attachments: [C7. 060826 PC Meeting Minutes](#)

**D. OLD BUSINESS**

1. Conditional Land Use Permit; PC Resolution 2026-29  
Applicant: Colaska Inc. dba QAP  
Findings Discussion

**E. NEW BUSINESS**

1. [KPB-7809](#) Building Setback Encroachment Permit; KPB File 2026-057  
 PC Resolution 2026-33  
 Fineline Surveys / Swan  
 Request: Permits a 36' X 48' shop's southwest corner to remain 6.6 feet into the 20' building setback and the southeast corner to remain 6.1' into the 20' building setback, fronting Karluk Avenue  
 Location: Lot 10 Block 6 Mariners Watch Subdivision Part 1, Plat KN 78-44

Attachments: [E1. BSEP Mariners Watch Sub Part 1 Packet](#)  
[PHN\\_BSEP-Mariners Watch Sub Part 1](#)

2. [KPB-7810](#) 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

Attachments: [E2. CUP Wearly Castaway Cove](#)  
[E2. CUP Wearly Catching Silvers Desk Packet](#)  
[PHN\\_CUP-Wearly Castaway Cove](#)

**F. PLAT COMMITTEE REPORT**

Plat Committee will review 5 preliminary plats

**G. OTHER**

**H. PUBLIC COMMENT/PRESENTATION**

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

**I. DIRECTOR'S COMMENTS**

**J. COMMISSIONER COMMENTS**

**K. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS  
 NO ACTION REQUIRED**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, July 20, 2026 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION****KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

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

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

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

## **C. CONSENT AGENDA**

### **\*3. Administrative Approvals**

- a. Lind subdivision Barsargin Addition; KPB File 2025-027**



**ADMINISTRATIVE APPROVAL**

Subdivision: Lind Subdivision Basargin Addition  
KP File 2025-027  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 14, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KP Title 20 (Subdivisions); therefore, per KP 20.60.220, administrative approval has been granted by the undersigned on Wednesday, June 3, 2026.

  
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 3<sup>rd</sup> day of June 2026 by  
Vince Piagentini.

  
Notary Public for the State of Alaska

My commission expires: with office

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

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KP official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

## **C. CONSENT AGENDA**

- \*4. Final Approval**
  - a. Johnson's Landing No. Four; KPB File 2025-176**
  - b. Shoreline Heights 2025 Replat; KPB File 2025-168**
  - c. Shoreline Heights Hanson Vacation Within Lot 48  
KPB File 2025-169**



**FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040**

Subdivision:     Johnsons Landing No Four  
                      KPB File 2025-176  
                      Kenai Recording District

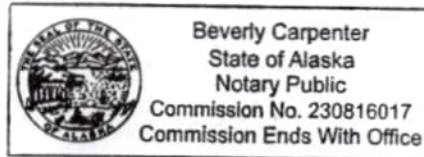
The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Thursday, June 11, 2026.

Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 11 day of June 2026 by  
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: with office

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



**FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040**

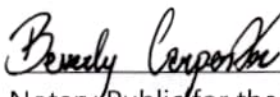
Subdivision: Shoreline Heights 2025 Replat  
KPB File 2025-168  
Kenai Recording District

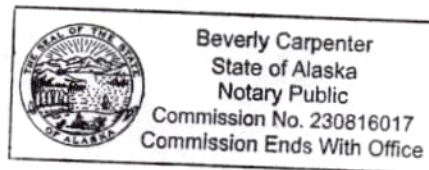
The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Thursday, June 11, 2026.

  
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 11 day of June 2026 by  
Vince Piagentini.

  
Notary Public for the State of Alaska



My commission expires: with office

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



**FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.080**

Subdivision: Shoreline Heights Hanson Vacation Within Lot 48  
KPB File 2025-169  
Kenai Recording District

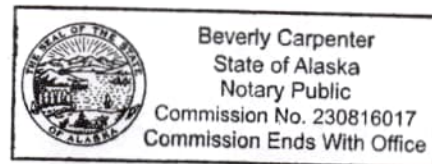
The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.080 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Thursday, June 11, 2026.

Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 11 day of June 2026 by  
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: with office

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

## **C. CONSENT AGENDA**

### **\*7. Minutes**

#### **a. June 8, 2026 Planning Commission Meeting Minutes**

# Kenai Peninsula Borough Planning Commission

---

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

---

JUNE 8, 2026  
7:30 P.M.  
UNAPPROVED MINUTES

**AGENDA ITEM A.      CALL TO ORDER**

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

**AGENDA ITEM B.      ROLL CALL**

*Commissioners Present*

Jeremy Brantley, Sterling / Funny River  
Pamela Gillham, Kalifornsky/Kasilof District  
Jeffrey Epperheimer, Nikiski District  
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District  
Diane Fikes, City of Kenai  
Paul Whitney, City of Soldotna  
Franco Venuti, City of Homer

With 7 members present, a quorum was present.

*Staff Present*

Robert Ruffner, Planning Director  
Wayne Cary, Deputy Borough Attorney  
Vince Piagentini, Platting Manager  
Aaron Hughes, Land Management Officer  
Samantha Lopez, River Center Manager  
Ryan Raidmae, Planner  
Elizabeth Wilder, LMD Administrative Assistant  
Ann Shirnberg, Planning Administrative Assistant

**AGENDA ITEM C.      CONSENT & REGULAR AGENDA**

- \*1.      Time Extension Request**
  - a. Morning Panorama Subdivision #2; KPB File 2022-058
  
- \*3.      Administrative Approvals**
  - a. Lakeshore Estates Subdivision Block 2 Peterson Replat; KPB File 2025-166
  - b. Ward Estates; KPB File 2025-090
  - c. Yoo Subdivision; KPB File 2025-126
  
- \*6.      Excused Absences**
  - a. Vacant, City of Seward
  - b. Dawson Slaughter, Southern Peninsula
  
- \*7.      Minutes**
  - a. May 26, 2026 Planning Commission Meeting Minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Vice Chair Gillham brought it back to the commission for a motion.

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

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Absent – 1	Slaughter

**AGENDA ITEM E.      NEW BUSINESS**

**ITEM # 1 – ORDINANCE 2025-19-44**

**AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN SOLDOTNA, ALASKA, ON BEHALF OF CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA, APPROPRIATING FUNDS FROM THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA PLANT REPLACEMENT AND EXPANSION FUND, AND AUTHORIZING AN AMENDMENT TO THE OPERATING AGREEMENT WITH CENTRAL PENINSULA GENERAL HOSPITAL INC.**

Staff report given by Land Management Officer Aaron Hughes

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

**MOTION:** Commissioner Epperheimer moved, seconded by Commissioner Gillham to forward to the Assembly a recommendation to adopt Ordinance 2025-19-44 authorizing the acquisition of real property in Soldotna, Alaska, on behalf of Central Kenai Peninsula Hospital Service Area, appropriating funds from the Central Kenai Peninsula Hospital Service Area Plant Replacement Fund and authorizing an amendment to the operating agreement with Central Peninsula Hospital, Inc.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Absent – 1	Slaughter

**ITEM #2 - UTILITY EASEMENT ALTERATION**

VACATE A SEGMENT OF THE 20-FOOT DRAINAGE EASEMENT LOCATED ALONG THE COMMON LOT LINE BETWEEN LOTS 27 AND 28, BLOCK 3, WITH 10 FEET SITUATED ON EITHER SIDE OF THE LOT LINE, AS GRANTED BY MOOSE RIVER ESTATES SUBDIVISION, PLAT KN 74-98.

<b>KPB File No.</b>	2026-049V
<b>Planning Committee Meeting:</b>	June 8, 2026
<b>Applicant / Owner:</b>	NTK Revocable Trust of Anchorage, Alaska
<b>Surveyor:</b>	Jason Schollenberg; Peninsula Surveying, LLC
<b>General Location:</b>	Sterling Area
<b>KPB PC Resolution</b>	2026-32

Staff report given by Platting Manager Vince Piagentini.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and

incorporating by reference the staff report, staff recommendations and subject to the two conditions as set forth in the staff report.

Commissioner Epperheimer noted in Planning Commission Resolution 2026-32, one of the whereas clauses noted a code reference (KPB 20.70.140) that does not exist. Platting Manager Vince Piagentini reviewed the resolution and stated the code reference was incorrect, that it was an old code reference and the resolution template had not been updated.

**AMENDMENT MOTION:** Commissioner Whitney moved seconded by Commissioner Fikes to strike the following whereas clause from Planning Commission Resolution 2026-32:

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Absent – 1	Slaughter

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Absent – 1	Slaughter

**ITEM #3 - RIGHT OF WAY VACATION**

**VACATE THE EASTERNMOST APPROXIMATELY 25,662 SQUARE-FOOT PORTION OF APRICITY AVENUE AND ASSOCIATED UTILITY EASEMENTS SITUATED BETWEEN LOT 4A3 (HM 91-64) AND LOT 2-I (HM 94-34), AS DEDICATED BY BUTTERMILK MEADOWS TWO (HM 83-105) AND BUENA VISTA NO. 2 SUBDIVISION (HM 94-34)**

<b>KPB File No.</b>	2026-046V
<b>Planning Commission Meeting:</b>	June 8, 2026
<b>Applicant / Owner:</b>	Robert E. Porter
<b>Surveyor:</b>	Katherine A. Kirsis; Seabright Survey & Design
<b>General Location:</b>	Fritz Creek Area / Kachemak Bay APC
<b>Legal Description:</b>	Apricity Avenue 172-311-40: T 5S R 12W SEC 13 SEWARD MERIDIAN HM 0940034 BUENA VISTA SUB NO 2 LOT 2-I 172-420-19: T 5S R 12W SEC 13 SEWARD MERIDIAN HM 0910064 BUTTERMILK MEADOWS 3 SUB LOT 4A3

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Kenton Bloom, Seabright Survey & Design: Mr. Bloom was the surveyor on this project and made himself available for questions.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the four conditions as set forth in the staff report.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Absent – 1	Slaughter

**ITEM #4 - RIGHT OF WAY VACATION**

**VACATES AN APPROXIMATELY 16,857 SQUARE FOOT PORTION OF MOUNTAIN BROOK ROAD, INCLUDING ASSOCIATED UTILITY EASEMENTS, ADJACENT TO LOTS 43-45, LOT 47, AS DEDICATED BY MOUNTAIN BROOK HEIGHTS (SL 85-7) AND AMENDED BY (SL 92-4)**

<b>KPB File No.</b>	2026-038V
<b>Planning Commission Meeting:</b>	June 8, 2026
<b>Applicant / Owner:</b>	James O. Hopkins & Linda J. Hedgecoth
<b>Surveyor:</b>	Katherine A. Kirsis; Seabright Survey & Design
<b>General Location:</b>	Remote / Seldovia Area
<b>Legal Description:</b>	Mountain Brook Road 191-130-65: T 9S R 14W SEC 6 SEWARD MERIDIAN SL PTN OF NW1/4 NE1/4 LYING WEST OF ROW PER PW RES 84-9 REC @84-4W 191-123-43; 191-123-44; 191-123-45; 191-123-47; 191-123-48: T 8S R 14W SEC 32 SEWARD MERIDIAN SL 0920004 MOUNTAIN BROOK HEIGHTS SUB AMENDED LOT 43; 44; 45; 47; 48

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Kenton Bloom, Seabright Survey & Design: Mr. Bloom was the surveyor on this project and made himself available for questions.

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the four conditions as set forth in the staff report.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Absent – 1	Slaughter

**ITEM #5 – CONDITIONAL LAND USE PERMIT MODIFICATION  
PLANNING COMMISSION RESOLUTION 2026-29**

<b>PC Resolution</b>	2026-29
<b>Planning Commission Meeting:</b>	June 8, 2026
<b>Applicant:</b>	Colaska Inc. dba QAP
<b>Legal Description:</b>	T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4

<b>Physical Address</b>	36780 Robinson Loop Road / Sterling Area
<b>KPB Parcel Number:</b>	06304780

Staff report given by Planner Ryan Raidmae.

Chair Brantley opened the item for public comment.

The following individuals spoke in support to approving the permit:

- Darren Underwood, QAP
- Stephanie Queen (works as a consultant on this project)
- Gina DeBardelaben, Engineer - McLane Consulting

The following individuals spoke in opposition to approving the permit:

- |                    |                       |
|--------------------|-----------------------|
| • Joseph Skrha     | • Doreen Duvall       |
| • James Perzechino | • Jody Bauer          |
| • Don Douthit      | • Brice Cunningham    |
| • Alva Lantz       | • Christina Fergus    |
| • Liz Julesvak     | • Arlene Figueroa     |
| • Scott Lamaya     | • Rebecca Short       |
| • Scott Vermilya   | • Brice Cunningham    |
| • Leah Trenholm    | • Alex Douthit        |
| • Erin Burns       | • Carolyn Christensen |
| • Duncan Burns     | • Austin Druce        |
| • John Williamson  | • Carolyn Christensen |

The following issues were of general concern:

- Health and safety concerns related to the request to work around the clock 24/7
- 24 hour activity doesn't allow for any down time or rest, negatively affecting all residents in the impact zone.
- Work hours was discussed back in December and the request to work a round the clock schedule was denied, nothing has changed.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Venuti to adopt Planning Commission Resolution 2026-29, granting approval of a modification to a Conditional Land Use Permit to operate a sand, gravel, or material site under a Type I Endorsement for the parcel described as T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4.

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

**MOTION FAILED BY MAJORITY VOTE:**

No - 6	Epperheimer, Fikes, Gillham, Morgan, Venuti, Whitney
Yes - 1	Brantley
Absent – 1	Slaughter

Due to the late hour the Commission made the decision to discuss findings in support of the denial at the regularly scheduled June 22, 2026 meeting.

**AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

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

**AGENDA ITEM K.      ADJOURNMENT**

Commissioner Whitney moved to adjourn the meeting at 10:44 P.M.

---

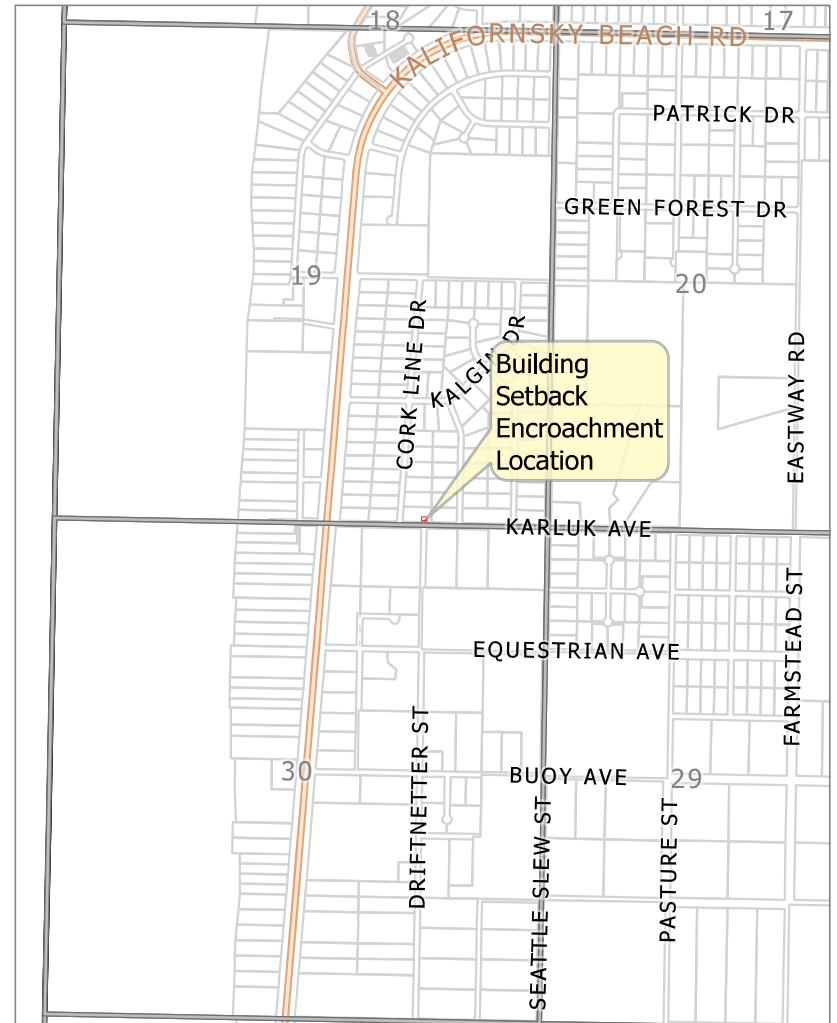
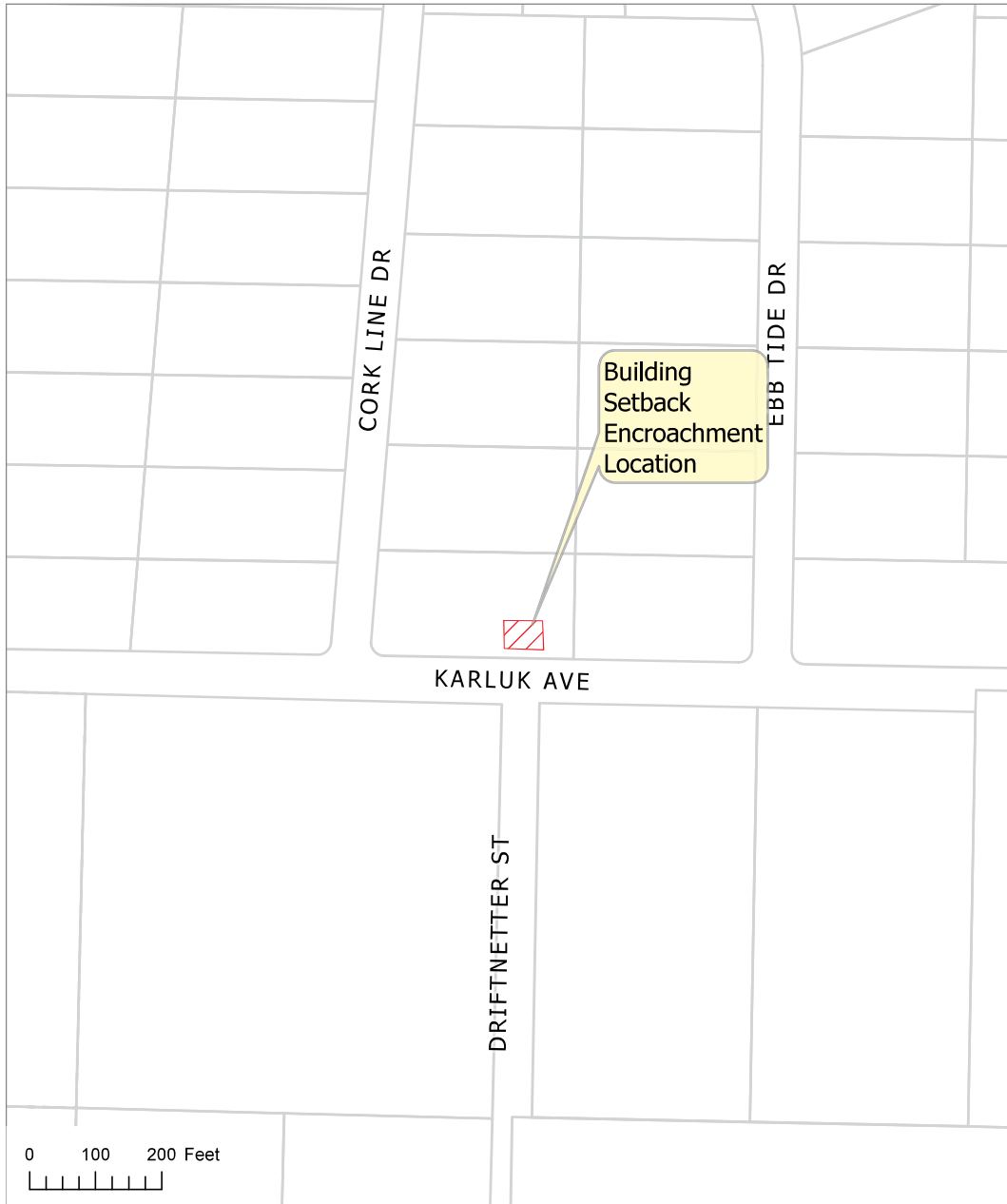
Ann E. Shirnberg  
Administrative Assistant

## **E. NEW BUSINESS**

- 1. Building Setback Encroachment Permit; KPB File 2026-057  
PC Resolution 2026-33**

**Fineline Surveys / Swan**

**Request: Permits a 36' X 48' shop's southwest corner to remain 6.6 feet into the 20' building setback and the southeast corner to remain 6.1' into the 20' building setback, fronting Karluk Avenue  
Location: Lot 10 Block 6 Mariners Watch Subdivision Part 1, Plat KN 78-44**

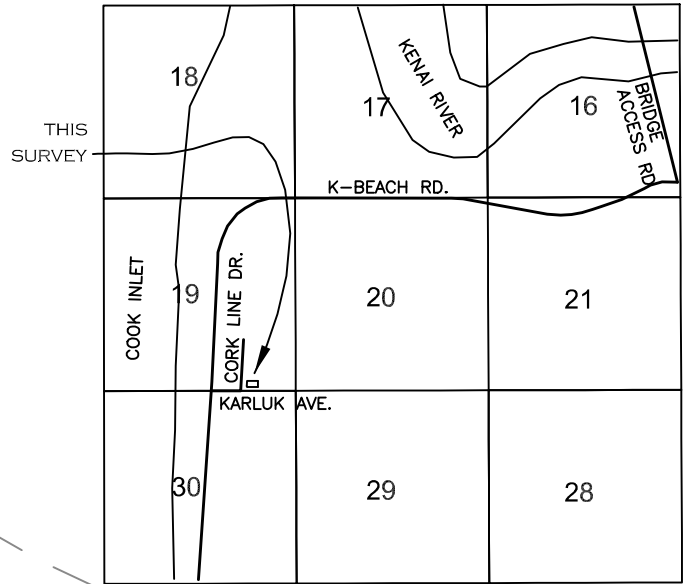
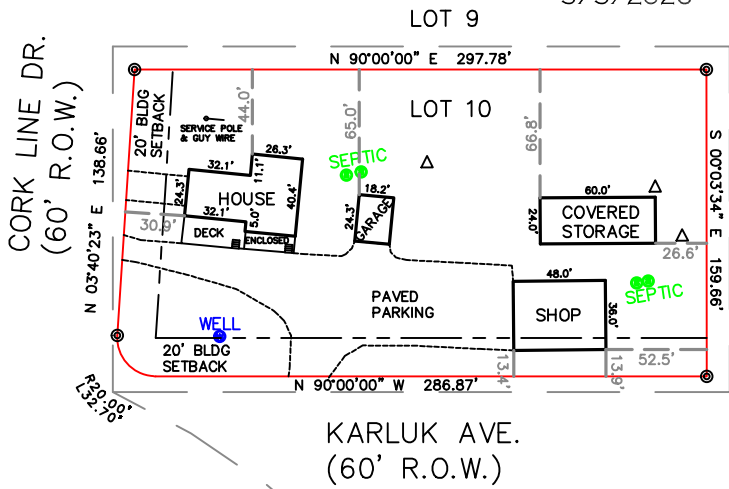


KPB File 2026-057  
T05N R11W SEC19  
Kalifornsky

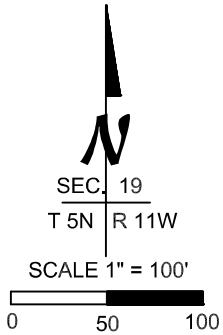
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



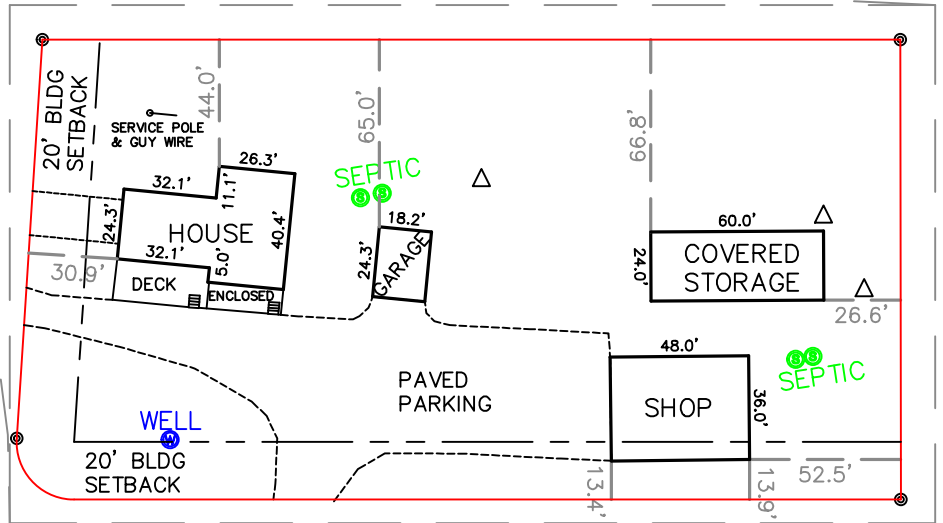
5/5/2026



VICINITY MAP 1 INCH = 1 MILE



SCALE 1" = 67'



**LEGEND:**

- FOUND REBAR
- △ MONITOR TUBE

**NOTES:**

1. MEASUREMENTS SHOWN DEPICTING IMPROVEMENTS INCLUDE SIDING AND TRIM (IF APPLICABLE), AND DO NOT INCLUDE EAVES.
2. THE SHOP LIES PARTIALLY WITHIN (6.6' MAX.) THE 20' BUILDING SETBACK ALONG KARLUK AVE.

It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat.

I hereby certify that I have performed an asbuilt survey of the following property:

LOT 10, BLOCK 6, MARINERS WATCH SUBD PART 1, SECTION 19, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN.

Kenai Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.



**FINELINE SURVEYS**

P.O. Box 774  
 Anchor Point, Alaska 99556  
 Dmitri D. Kimbrell, RLS (907) 360 6382

I hereby certify that the information provided is true and correct to the best of my knowledge, and that accepted standards of accuracy have been maintained.

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 10, BLOCK 6, MARINERS WATCH SUBDIVISION PART 1, PLAT KN 87-44, LOCATED WITHIN  
SECTION 19, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN**

<b>KPB File No.</b>	2026-057
<b>Planning Commission Meeting:</b>	June 22, 2026
<b>Applicant / Owner:</b>	Applicant: Bette Margaret Swan AKA Bette Margaret Swan AKA Betty “Boots” Swan, Personal Representative  Owner: Van B. and Clare M. Swan of Kenai, AK
<b>Surveyor:</b>	Dmitri Kimbrell; Fineline Surveys
<b>General Location:</b>	Karluk Court off Kalifornsky Beach Road, Kalifornsky Area
<b>Parent Parcel No.:</b>	055-380-19
<b>Legal Description:</b>	T 5N R 11W SEC 19 Seward Meridian KN 0780044 MARINERS WATCH SUB PART 1 LOT 10 BLK 6
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2026-33

---

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

An as-built survey identified that the existing shop structure encroaches approximately 6.6 feet into the required 20-foot setback. Approval is requested to allow the structure to remain in its current location.

**Site Investigation:**

According to available imagery and the submitted as-built survey, several structures are located on the subject lot. A 36-foot by 48-foot shop encroaches approximately 6.1 feet on the southeastern corner and approximately 6.6 feet on the southwestern corner into the required 20-foot building setback along Karluk Avenue. KPB Assessing records indicate that the shop was constructed around 2002. The as-built survey also shows a well located on the property line adjacent to the 20-foot building setback.

The shop is the structure subject to this building setback encroachment permit. KPB 20.90.010 defines a “permanent structure” for purposes of the building setback relating to anything of a permanent nature that requires footings, foundations, or pilings. Minor improvements such as well casing is allowed

The subject parcel is located at the corner of Karluk Avenue and Cork Line Drive.

Cork Line Drive is a 60-foot right-of-way, and Karluk Avenue is a 66-foot right-of-way, both borough-maintained. Karluk Avenue connects to Kalifornsky Beach Road from the west, and provides access to multiple developed and undeveloped lots. The sight distance along Karluk Avenue does not appear to be impacted by the existing improvement, as the roadway is straight and lined with trees.

Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway. Approximately 25 feet of Karluk Avenue right-of-way appears to be constructed, and the shop sits about 34 feet from the constructed portion of the road. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location of relative to the right-of-way and the presence of trees.

---

**Staff Analysis:**

Mariners Watch Subdivision Part One (KN 78-44) originally subdivided the subject area into four blocks (4-7) and a total of 60 lots, which included the subject parcel, Lot 10, Block 6, and dedicated the adjacent rights-of-way. This subdivision required a 20-foot building setback along all dedicated rights-of-way. Additionally, a 5-foot utility easement was granted along Karluk Avenue. **Staff recommends** the utility easement to be shown and labeled on the as-built.

Based on KPB data, the topography in the area is relatively flat, with no significant slopes or areas of inundation.

**Applicant Discussion:**

The property was acquired through inheritance from our parents following their passing. An as-built survey identified that the existing shop structure encroaches approximately 6.6 feet into the required 20-foot setback. The structure is existing construction affixed to a permanent slab foundation, and the encroachment was discovered during a pending real estate transaction. Approval is requested to allow the structure to remain in its current location. To the best of the owner's knowledge, the structure does not impede roadway sight lines or interfere with roadway maintenance, utilities, drainage, access, or create a known safety hazard.

**Applicant Findings:**

1. The building setback encroachment does not interfere with road maintenance because the road is straight in this area.
2. There is adequate space between the structure and the roadway.
3. Typical road maintenance such as snow removal in the winter and grading in spring and summer can and is performed safely.
4. There is a pre-existing grove of trees located between the house and the road.
5. The area has continued to be maintained without issue.
6. There is clear visibility along the roadway in both directions.
7. The road is straight without any sight lines or visibility interferences, this extends past both sides of the property.
8. The encroachment does not create a safety hazard because the area has low traffic volume.
9. The structure does not obstruct drivers' views.
10. Vehicles can safely travel through the area without obstruction.
11. The sight lines are clear when entering the road from the driveway.

**Staff Discussion:**

KPB 20.10.110 (A) Unless otherwise regulated by city zoning ordinances of properties within its boundaries, any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.

KPB 20.90.010 Definitions

- "Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.
- "Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link.

**Staff Findings for the Commission's review:**

12. Mariners Watch Subdivision Part One (KN 78-44 created the subject parcel, Lot 10, Block 6, and dedicated the adjacent rights-of-way.
13. The parent plat (KN 78-44) required a 20-foot building setback along all dedicated rights-of-way.

14. Karluk Avenue is a 66-foot, borough-maintained, right-of-way. Approximately 25 feet of Karluk Avenue dedication appears to be constructed.
15. The 36-foot by 48-foot shop encroaches approximately 6.1 feet on the southeastern corner and approximately 6.6 feet on the southwestern corner into the required 20-foot building setback along Karluk Avenue.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight.
19. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location relative to the right-of-way and the presence of trees.
20. Based on KPB GIS contours data, the terrain of the subject lot is relatively flat.
21. No wetlands affect the subject area according to KPB GIS data.
22. KPB 20.90.010 "Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.
23. "Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings.

**20.10.110. – Building setback encroachment permits.**

E. The following standards shall be considered for all building setback encroachment permit applications.

**Staff recommends** the Planning Commission select the findings they determine are applicable to the standards and vote on them:

1. The building setback encroachment may not interfere with road maintenance.

**Findings 1-5 & 16-20 appear to support this standard.**

2. The building setback encroachment may not interfere with sight lines or distances.

**Findings 2, 6-11 & 16-19 appear to support this standard.**

3. The building setback encroachment may not create a safety hazard.

**Findings 2, 4, 8-10 & 15-18 appear to support this standard.**

F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20-foot building setback from the parcel.

G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

**KPB department / agency review:**

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT&PF comments	No comments

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie  Floodplain Status: Not within flood hazard area  Comments: Non-regulatory flood zone. No comments regarding the structure within the setback.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p>
State of Alaska Fish and Game	No Response
Addressing	<p>Reviewer: Pace, Rhealyn  Affected Addresses:  51236 Karluk Ave</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  Cork Line Dr, Karluk Ave</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:  No comment</p>
Code Compliance	Vacant
LOZMS Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

**RECOMMENDATION:**

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of structures within the twenty-foot building setback as shown on the 2026 as-built survey, subject to:

1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2026-33, prepared, signed, and sealed by a licensed land surveyor.
3. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.

4. Failure to provide an as-built so that it may be recorded within one year approval will result in a new application, hearing, and approval.
5. Additional encroachments found on the new as-built will require a new hearing.

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- Depict and label the 5-foot utility easement adjacent to Karluk Avenue per KN 78-44
- Modify the lot label adjacent to the north to Lot 11.
- Add a label for Lot 9 to the east.
- Modify Karluk Avenue width to 66 feet.
- Check the scale of the drawing. Putting scale to graphic scale obtains a short measurement.
- In the legal description, spell out 'Subdivision' and 'One'.
- Change the scale of the detail to one from KPB 20.60.070, preferably 1" =60'.

**NOTE:**

**20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.**

**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2026-33  
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT  
TO A PORTION OF THE TWENTY-FOOT BUILDING SETBACK FOR LOT 10,  
BLOCK 6, MARINERS WATCH SUBDIVISION PART 1 (KN 78-44); LOCATED  
WITHIN S19, T05N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI  
PENINSULA BOROUGH; KPB FILE NO. 2026-057**

**WHEREAS**, pursuant to KPB 20.30.240, a minimum twenty-foot building setback from all dedicated rights-of-way in subdivisions located outside incorporated cities is required; and

**WHEREAS**, issuance of a building setback encroachment permit is an exception to the rule prohibiting such encroachments; and

**WHEREAS**, KPB 20.10.110 governs building setback encroachment permits and authorizes the Planning Commission to grant building setback encroachment permits by resolution; and

**WHEREAS**, KPB 20.10.110(E) provides the three Standards the Planning Commission must consider when evaluating building setback permit applications; and

**WHEREAS**, the Planning Commission may only approve an encroachment permit if there is substantial evidence showing that each of the three Standards in KPB 20.10.110(E) are met; and

**WHEREAS**, these are affirmative findings, and the petitioner has the burden to prove with substantial evidence they are true; and

**WHEREAS**, Bette M Swan, Personal Representative of the Estate of Clare Margaret Swan and the Estate of Van Buren Swan, of Kenai, Alaska (petitioner) requested a building setback encroachment permit to the twenty-foot building setback granted by Mariners Watch Subdivision Part 1 (plat KN 78-44); and

**WHEREAS**, on Monday, June 22, 2026, the Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

**WHEREAS**, the Planning Commission found that the petitioner met the burden of proof with substantial evidence as to each of the three Standards found in KPB 20.10.110(E); and

**WHEREAS**, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest;

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the petitioner has met the burden of proof with substantial evidence as to each of the three standards found in KPB 20.10.110(E).

**SECTION 2.** That an exception to the twenty-foot building setback limit on Lot 10, Block 6, Mariners Watch Subdivision Part 1 (Plat KN 78-44) is hereby granted to accommodate only the encroaching portion of the approximate 36-foot by 48-foot shop based upon the following findings of fact:

Standard 1: The building setback encroachment may not interfere with road maintenance.

1. The building setback encroachment does not interfere with road maintenance because the road is straight in this area.
2. There is adequate space between the structure and the roadway.
3. Typical road maintenance such as snow removal in the winter and grading in spring and summer can and is performed safely.
4. There is a pre-existing grove of trees located between the house and the road.
5. The area has continued to be maintained without issue.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight.
19. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location relative to the right-of-way and the presence of trees.
20. Based on KPB GIS contours data, the terrain of the subject lot is relatively flat.

Standard 2: The building setback encroachment may not interfere with sight lines or distances.

2. There is adequate space between the structure and the roadway.
6. There is clear visibility along the roadway in both directions.
7. The road is straight without any sight lines or visibility interferences, this extends past both sides of the property.
8. The encroachment does not create a safety hazard because the area has low traffic volume.
9. The structure does not obstruct drivers' views.
10. Vehicles can safely travel through the area without obstruction.
11. The sight lines are clear when entering the road from the driveway.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight.
19. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location relative to the right-of-way and the presence of trees.

Standard 3: The building setback encroachment may not create a safety hazard.

2. There is adequate space between the structure and the roadway.
4. There is a pre-existing grove of trees located between the house and the road.
8. The encroachment does not create a safety hazard because the area has low traffic volume.
9. The structure does not obstruct drivers' views.
10. Vehicles can safely travel through the area without obstruction.
15. The 36-foot by 48-foot shop encroaches approximately 6.1 feet on the southeastern corner and approximately 6.6 feet on the southwestern corner into the required 20-foot building setback along Karluk Avenue.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight

**SECTION 3.** That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

**SECTION 4.** That the granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the twenty-foot building setback from the parcel.

**SECTION 5.** That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 4 of 4.

**SECTION 6.** That this resolution is void if not recorded in the appropriate Recording District within one year of adoption.

**SECTION 7.** That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

**ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Jeremy Brantley, Chairperson  
Planning Commission

ATTEST: \_\_\_\_\_  
Ann Shirnberg,  
Administrative Assistant

Return to:  
Planning Department  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669



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.



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.



Galaxy S23 Ultra



Galaxy S23 Ultra



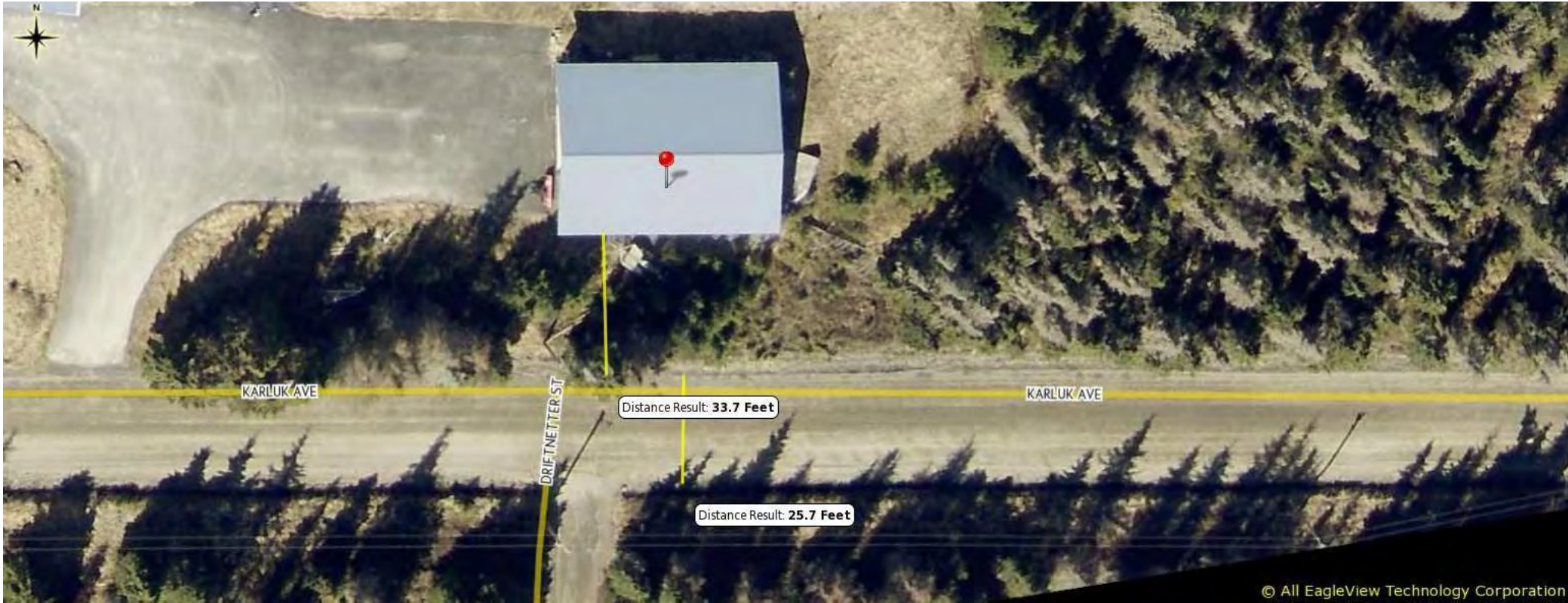


# Karluk Ave

Kenai, Alaska



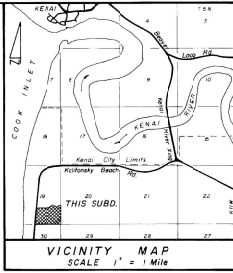
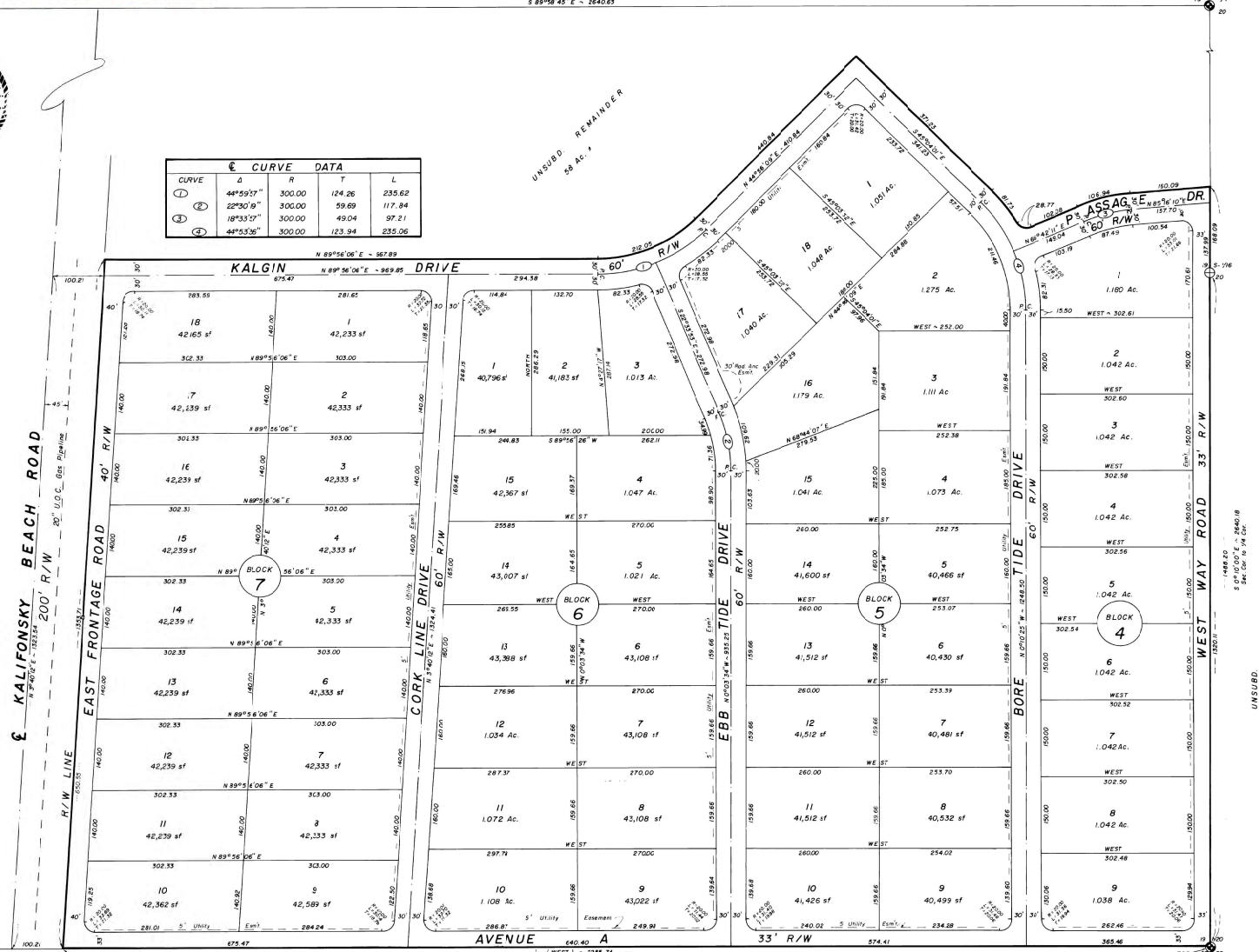
# KPB Pictometry 2024



KPB NOTE: See PC Resolution 2001-24



CURVE DATA				
CURVE	Δ	R	T	L
①	44°59'07"	300.00	124.26	235.62
②	22°30'19"	300.00	59.69	117.94
③	19°33'09"	300.00	49.04	97.21
④	44°53'36"	300.00	123.94	235.06



**LEGEND AND NOTES**

- Found G.L.O. brass cap monument.
- Found official survey brass cap man (610-5).  
Sh 3" 41 cap monument.
- Found 5" x 6" conc. R/W marker.
- └ Sh 1/2" x 24" steel rebar at all lot corners.
- ( ) Indicates datum of record.

Basis of bearing for this survey is the C.L.O. datum of record of WEST for the south boundary of Section 19.

All lots are subject to a 20' building setback along all dedicated R/W's.

All waste water disposal systems shall comply with existing law at time of construction.

78-44  
RECORDED & FILED 7-50  
4-5 2007  
[Signature]

**NOTARY'S ACKNOWLEDGEMENT**  
Subscribed and sworn before me this 5th day of April, 1978.  
My commission expires July 14, 1977.

[Signature]  
Notary Public for Alaska

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

[Signature]  
Baill S. Bolstridge  
Baill S. Bolstridge  
Route 2 Box 264, Sterling, AK 99612  
Elizabeth W. Bolstridge

**PLAT APPROVAL**  
This plat having been approved by the local Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of [Date], is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appearing thereto.

KENAI PENINSULA BOROUGH  
By: [Signature]

**MARINERS WATCH**  
SUBDIVISION  
PART ONE

Basl S. Bolstridge, owner  
Route 2 Box 264, Sterling, AK 99612

DESCRIPTION  
73.03 ACRES SITUATED IN THE SE1/4 SECTION 19,  
T5N, R11W, S3M AS EAST OF THE KALIFONSKY BEACH  
ROAD AND IN THE KENAI PENINSULA BORO.

Surveyed by McLAINE AND ASSOC  
Soldiers, Alaska

DATE OF SURVEY Nov. 1, 1977 - Feb. 17, 1978 SCALE 1" = 100' PL. NO. 77-37



## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF BUILDING SETBACK ENCROACHMENT PERMIT

Public notice is hereby given that a building setback encroachment permit application was received on 5/29/2026. You are being sent this notice because you are within 300 feet of the subject parcel and are invited to comment.

The building setback encroachment permit application is for the following property:

Request / Affected Property: Permits a 36' X 48' shop's southwest corner to remain 6.6 feet into the 20' building setback and the southeast corner to remain 6.1' into the 20' building setback, fronting Karluk Ave.

KPB File No. 2026-057

Petitioner(s) / Land Owner(s): Bette M Swan, PR of Kenai, AK.

Purpose as stated in petition: The property was acquired through inheritance from our parents following their passing. And as built survey identified that the existing shop structure encroaches approximately 6.6 feet into the required 20 foot setback. The structure is existing construction affixed to a permanent slab foundation, and the encroachment was discovered during a pending real estate transaction. Approval is requested to allow the structure to remain in its current location. To the best of the owner's knowledge the structure does not impede roadway sight lines or interfere with roadway maintenance, utilities, drainage, access, or create a known safety hazard

Building setback encroachment permit reviews are conducted in accordance with KPB Subdivision Ordinance.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, June 22, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

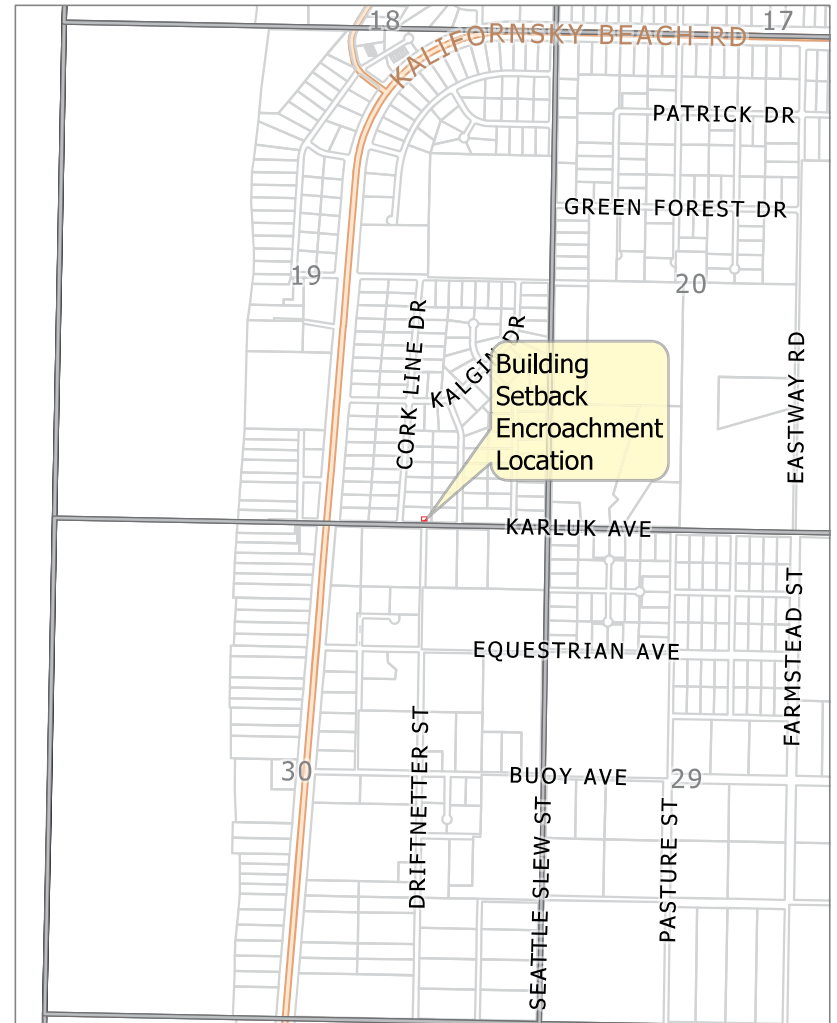
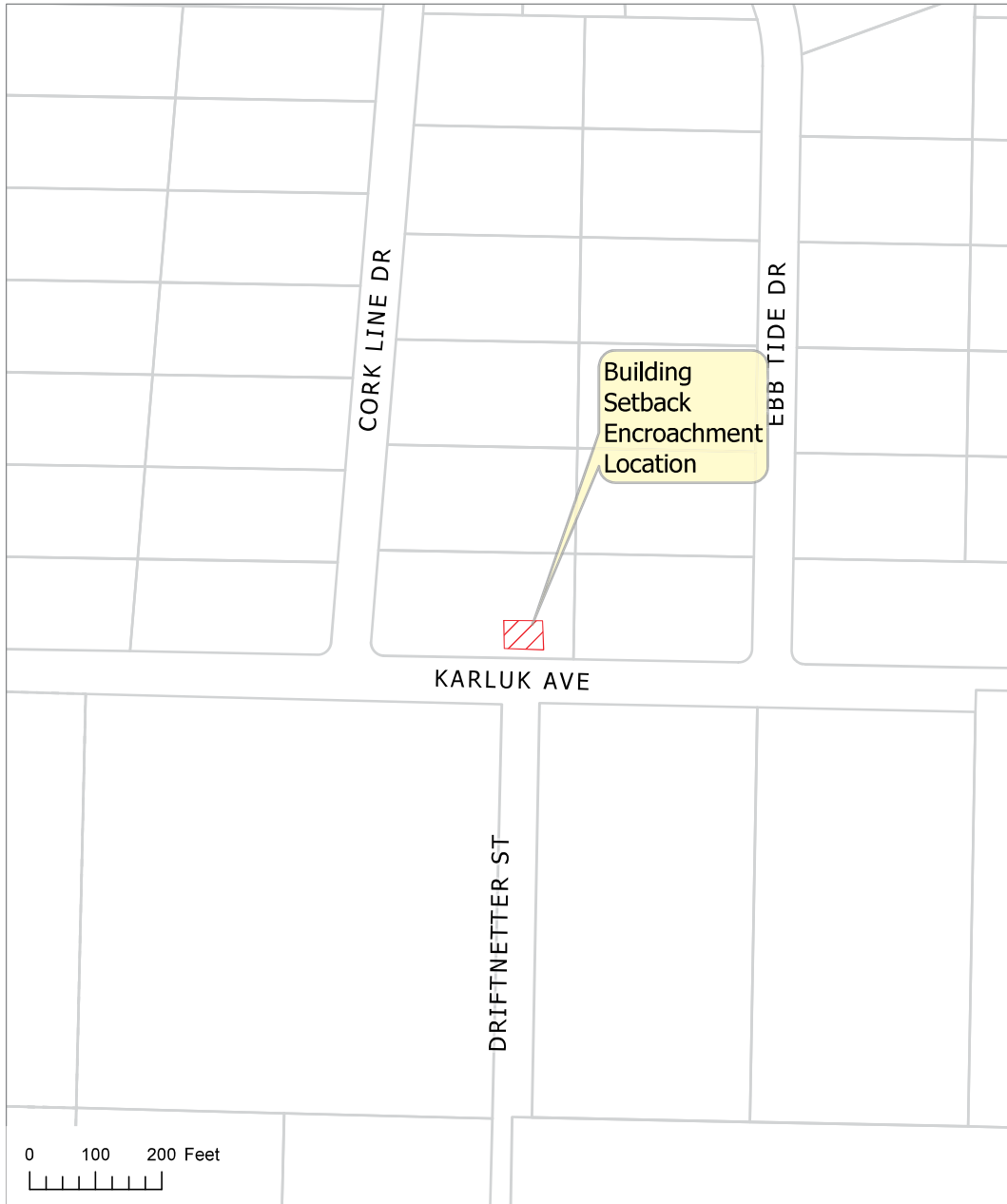
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to [planning@kpb.us](mailto:planning@kpb.us), or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM**,

**Friday, June 19, 2026.** The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

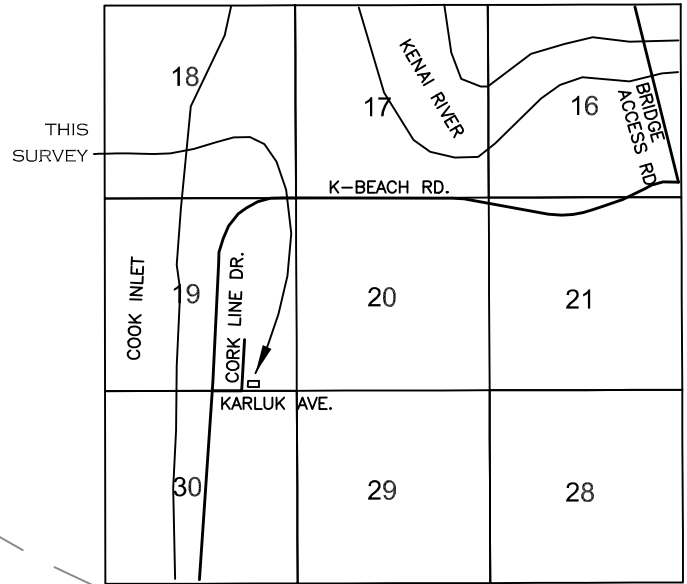
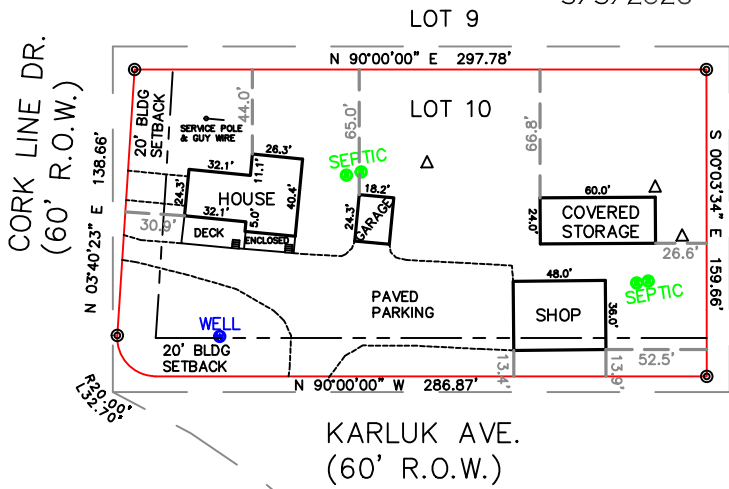
For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mailed 6/2/2026

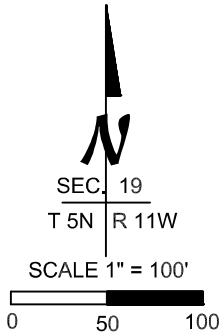


KPB File 2026-057  
T05N R11W SEC19  
Kalifornsky

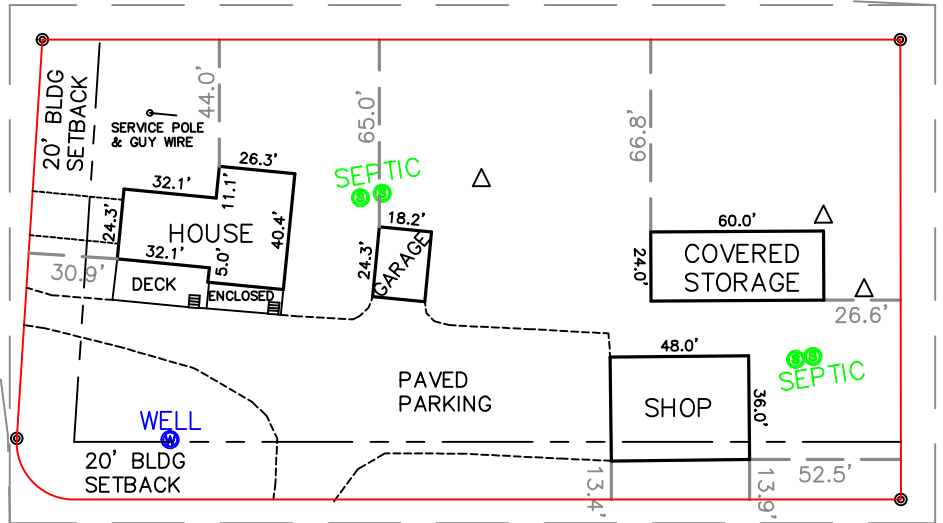
5/5/2026



VICINITY MAP 1 INCH = 1 MILE



SCALE 1" = 67'



**LEGEND:**

- FOUND REBAR
- △ MONITOR TUBE

**NOTES:**

1. MEASUREMENTS SHOWN DEPICTING IMPROVEMENTS INCLUDE SIDING AND TRIM (IF APPLICABLE), AND DO NOT INCLUDE EAVES.
2. THE SHOP LIES PARTIALLY WITHIN (6.6' MAX.) THE 20' BUILDING SETBACK ALONG KARLUK AVE.

It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat.



I hereby certify that I have performed an asbuilt survey of the following property:

LOT 10, BLOCK 6, MARINERS WATCH SUBD PART 1, SECTION 19, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN.

Kenai Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.

**FINELINE SURVEYS**

P.O. Box 774  
 Anchor Point, Alaska 99556  
 Dmitri D. Kimbrell, RLS (907) 360 6382

I hereby certify that the information provided is true and correct to the best of my knowledge, and that accepted standards of accuracy have been maintained.

## **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 silvers dr  
 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:  Yes  No

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?  Yes  No  
If yes, you must fill out an Alaska State Parks application at: [dnr.alaska.gov/parks/permit](http://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.): \$ 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 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]  
Owner Signature (required)

MAY 28, 2026  
Date

Agent Signature (if applicable)

Date

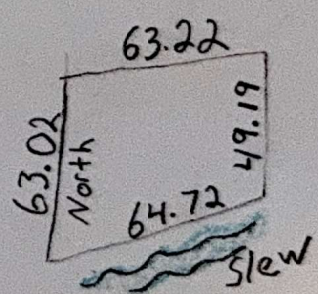
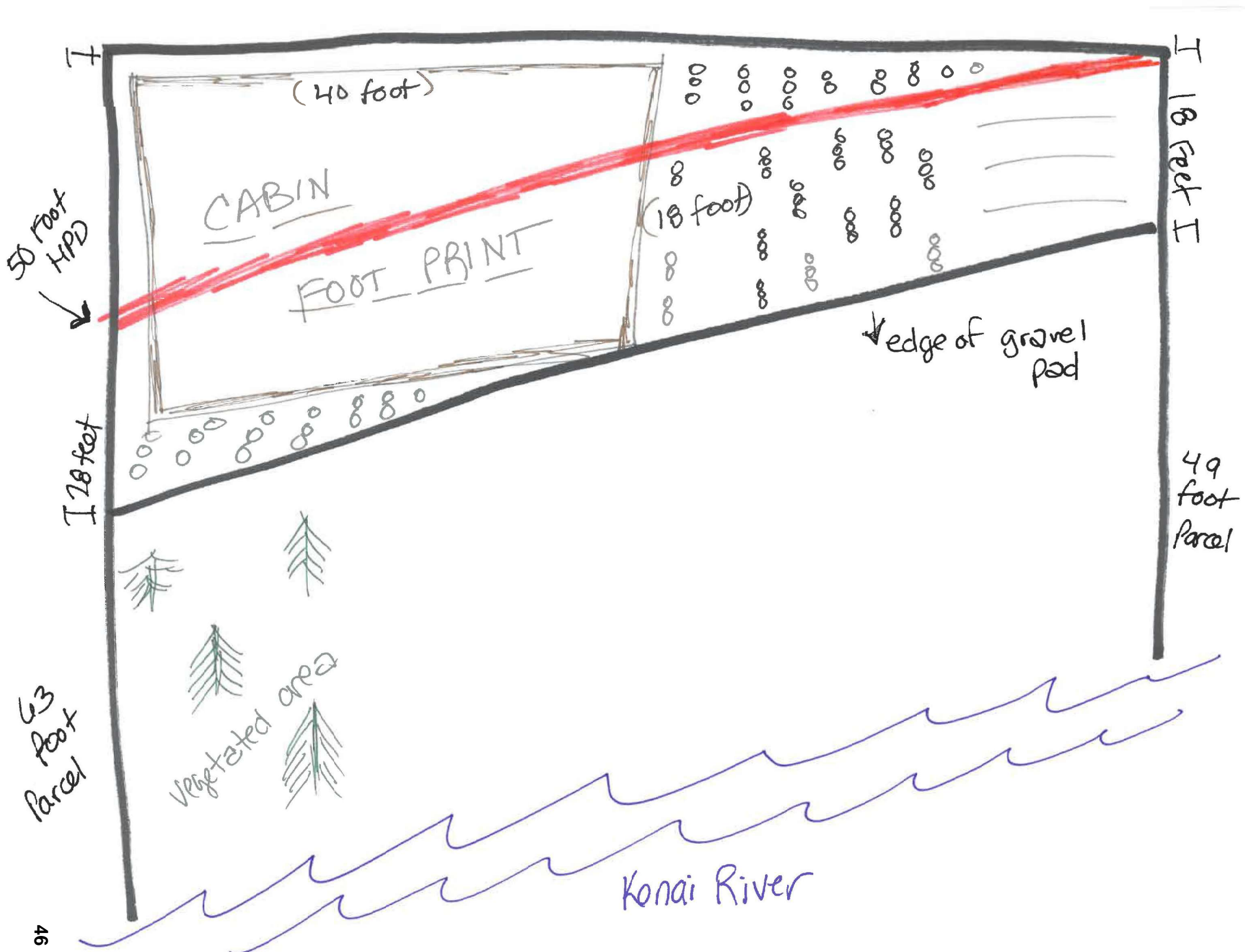
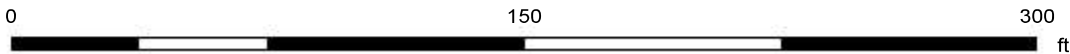


IMAGE Mirrors  
Plat map LOT 34  
BLOCK 6





**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):**

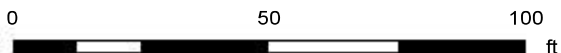
05525312

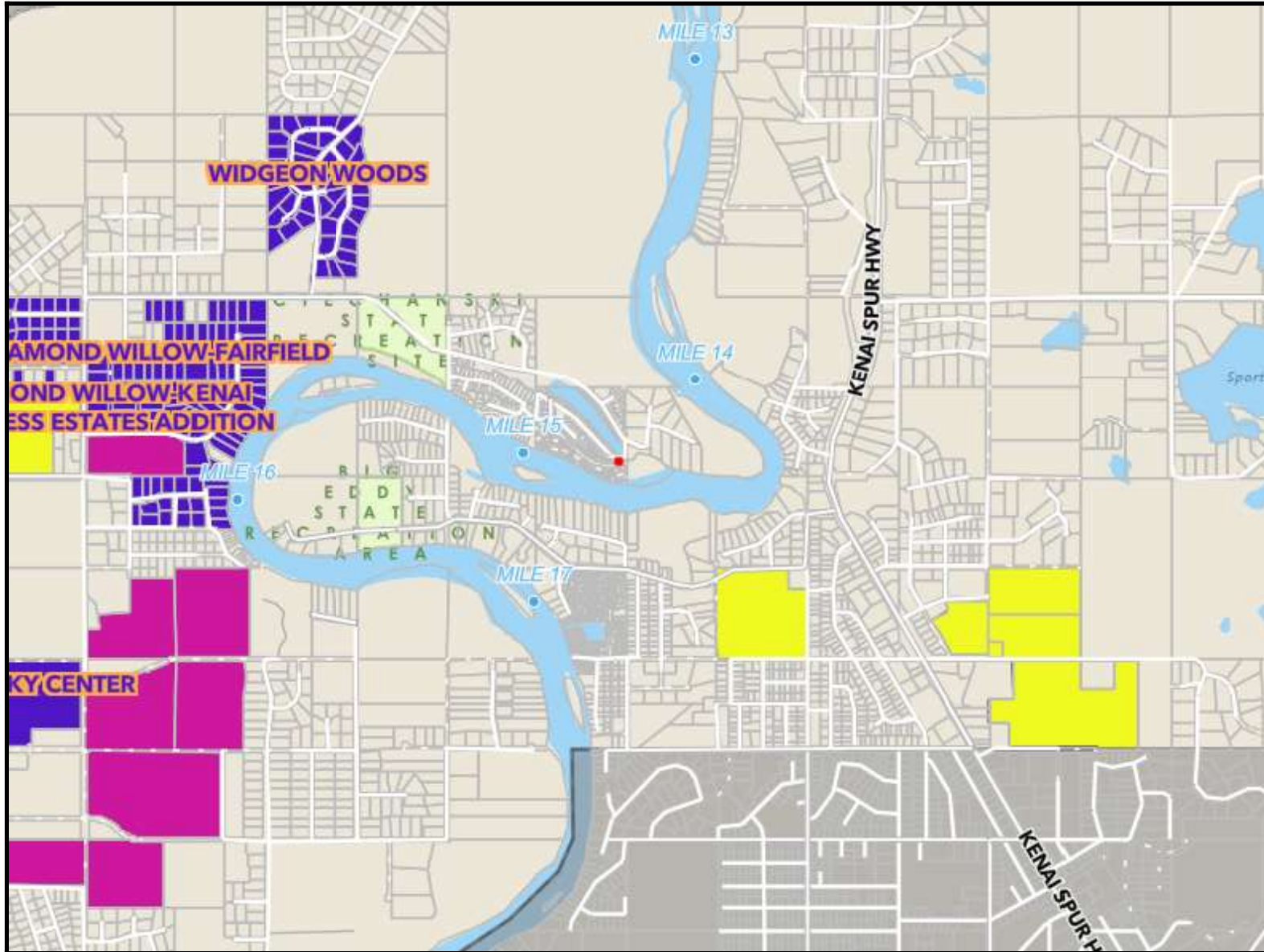
Parcel and PLSS

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 MALdrige@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

### 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**

---

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

**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](mailto:MAldridge@kpb.us).

Sincerely,

*Morgan M. Aldridge*

Morgan Aldridge

Planner

Donald E. Gilman River Center

# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER 6/1126)**

- 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**



**INITIAL FLOODPLAIN DEVELOPMENT PERMIT**

6/15/2026

RC Number: 13825

Issued: 6/15/2026

Expires: 6/22/2029

Dustin Wearly  
1132 N 780 W  
Clinton, UT 84015

Dear Applicant:

Pursuant to KPB Chapter 21.06, Floodplain Management, this is the floodplain development permit for your proposed project. Please review the entire document, as you are responsible for meeting all terms and conditions contained herein, and all development must remain in compliance with these regulations as long as they are located in the regulatory floodplain.

There may be additional documentation required after your project is complete; see "Required Documentation" below. Any required documentation must be submitted prior to the expiration date shown above for your project to be in compliance.

**Project Location**

KPB Parcel ID: 05525312  
Legal Description: T 5N R 10W SEC 7 SEWARD MERIDIAN KN 2005058 RIVERWOOD SUB  
2000 ADDN TRACT A1  
Physical Address: 45439 Catching Silvers Dr

**Floodplain Determination**

Map Panel: 02122C-0240F  
Effective Date: 2/28/2025  
Flood Zone(s): Floodway, AE  
Base Flood Elevation: 31.4 feet, NAVD 88

**Project Description**

Applicant requests to install a gravel pad with the placement of up to 68 cubic yards of gravel. A cabin will be placed on a portion of the pad. The structure can be constructed up to 40 foot by 18 foot.

## Permit Conditions

The proposed project and associated activities must comply with the following conditions in addition to all standards detailed in KPB Chapter 21.06. Development that occurs in the regulatory floodplain that does not comply with these conditions or the provisions of KPB 21.06 is prohibited and constitutes a violation subject to enforcement under KPB 21.50. Each day a violation continues is a separate violation. In addition, this permit is only valid if all other federal, state and local permits are secured and if the project remains in full compliance with the regulations of those agencies.

- Placement of gravel and structure must be compliant with the Conditional Use Permit approved by the Kenai Peninsula Borough (KPB) Planning Commission.
- The structure may not be larger but may be constructed smaller as long as within the approved location by the KPB Planning Commission.
- The project and placement of the structure shall minimize the impact to the KPB 50-foot Habitat Protection District (HPD).
- The first habitable floor of the structure must be constructed at or above the Base Flood Elevation.
- Portions of the structure below the Base Flood Elevation may only be utilized for parking or storage and if enclosed must contain compliant flood openings.
- Fill must not be placed to create ponding or direct waterflow onto neighboring properties or rights-of-way.
- An Elevation Certificate will be required once the structure is completed.
- All machinery and utilities servicing the structure shall be flood resistant and elevated to the Base Flood Elevation.

Additional permit conditions are below as well as more information regarding those listed above.

You are not permitted to conduct work in the regulatory floodway. Should your project activities extend into the regulatory floodway, you will be in violation of this permit. Any work in the regulatory floodway requires that a No-Rise Analysis meeting FEMA-mandated guidelines be submitted. The analysis must demonstrate that your project will not increase the Base Flood Elevation or alter the conveyance of the waterway, and must be certified by a professional engineer or architect licensed and registered in the State of Alaska.

The first habitable floor of any new or substantially-improved residential structure must be elevated to or above the Base Flood Elevation. KPB Floodplain Administration strongly recommends elevating the first habitable floor to two feet above the Base Flood Elevation.

Basements and crawlspaces that are below grade on all sides are prohibited in the regulatory floodplain. Fully enclosed areas that are not entirely below grade but which are below the Base Flood Elevation are also prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a professional engineer or architect,

licensed and registered in the State of Alaska, or must meet or exceed the following criteria:

- a) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area must be provided, one on each of at least two walls;
- b) The bottom of these openings must be no higher than one foot above grade;
- c) Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters, and;
- d) Enclosed areas below the Base Flood Elevation cannot be finished or used for human habitation and may only be used for parking vehicles, limited storage, and access to the building. Open areas below the Base Flood Elevation must remain clear of unanchored objects.

If the completed structure includes an enclosed space below the Base Flood Elevation, the property owner must sign and record a Non-Conversion Agreement with the property title. This agreement commits to keeping the enclosed area in compliance with the above requirements. Documentation that this agreement has been recorded must be submitted to the KPB Floodplain Administrator before the final Floodplain Development Permit can be issued.

All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage and with materials and utility equipment that are resistant to flood damage.

All new structures and additions must be properly anchored to stabilize them against flood forces, including: floatation, collapse, lateral movement, erosion, and scour. In areas of shallow flooding and low flood velocities, normal construction practices suffice. Additional anchoring measures are required for structures located in faster flood waters, or structures that are pre-fabricated buildings. Examples of anchoring techniques include: reinforcing walls, using deeper footings, over-the-top or frame ties to ground anchors, using extra bolts or rods to connect the frame to the foundation, etc.

It is strongly recommended that utilities be installed outside the regulatory floodplain if possible. In-ground utility installation may be allowed, but must maintain the prior-existing grade, unless specifically approved to change the grade. Any utility poles or supports must be properly installed and anchored to withstand pressure from flood waters so that they do not float or shift during flood events. All components must be properly floodproofed to prevent water from entering or accumulating within the components.

All electrical, heating, ventilation, plumbing, and air-conditioning equipment, as well as other service facilities that provide service to the structure, must be elevated to or above the Base Flood Elevation or designed by a professional engineer or architect, licensed and registered in the State of Alaska, to prevent water from entering or accumulating within the components during flooding conditions.

Any new sanitary sewage system or well must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. Tanks must have structural components capable of resisting the effects of buoyancy.

Any well casing top must be at or above the Base Flood Elevation and have a water tight seal. If it is below the Base Flood Elevation, a dome type cap with conduit seal for the wire must be used to ensure a water tight seal. Onsite septic, holding tanks, and water wells must be approved by the Alaska Department of Environmental Conservation (ADEC):

Alaska Department of Environmental Conservation  
43335 Kalifornsky Beach Rd. - Suite 11  
Soldotna, AK 99669-9792  
(907) 262-5210/FAX (907) 262-2294

All fuel storage tanks shall be elevated above the Base Flood Elevation or made watertight and anchored to resist floatation, collapse, and lateral movement. The tank must also be installed within an impervious containment basin of a size sufficient to contain 110 percent of storage capacity plus 1 foot of freeboard.

No trees, fill or other material may be stockpiled in the regulatory floodplain.

Clearing may not increase runoff and erosion to such levels that it may significantly damage the floodplain function, riparian habitat or wetlands.

Fill may be placed on the property as indicated in the project description. Any fill placed on the property must allow for proper drainage and prevent runoff onto neighboring properties or rights-of-way. If placed around existing or proposed structure(s), the drainage path should direct waters away from the structure(s). Material must be properly sloped to reduce ponding on the property and neighboring properties. Fill must not be placed within the 50 foot Habitat Protection District, if applicable, unless the proper permits have been issued.

### **Required Additional Documentation**

This permit constitutes authorization to proceed with the development activities described above. Your project is not in full compliance with KPB floodplain development regulations, however, until you have submitted the following documentation to confirm that your project was built as permitted and your final Floodplain Development Permit is issued. After construction is complete, you must submit

- a) an Elevation Certificate for each enclosed structure, and
- b) if there are any enclosed spaces below the BFE, documentation confirming that you have signed and recorded with the Borough Clerk a Non-Conversion Agreement acknowledging that enclosed spaces below the BFE will never be finished for human habitation and will only be used for storage, parking and/or access.

All required documentation must be submitted prior to the expiration of this permit.

### **Advisories**

Federal regulation 44 CFR §59 states that this floodplain development permit is valid until the expiration

date above, provided that work on this project begins within 180 days of the issue date. If work does not begin within 180 days, this permit will expire at the end of that period and you will be required to resubmit your application.

KPB Chapter 21.06 states that all proposed construction or development in the flood hazard areas of the Kenai Peninsula requires that a floodplain development permit be secured prior to beginning any work. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. This also includes "substantial improvement" of existing structures, which is defined as improvements that total in value more than 50% of the structures pre-improvement value. Structures that are substantially improved or that suffer substantial damage (damage in excess of 50% of the structure's pre-damage value) must be brought into full compliance with current floodplain development regulations, regardless of when they were originally constructed.

All encroachments in the regulatory floodway, including fill, new construction, substantial improvements, and other development are prohibited unless certification by an engineer or architect, licensed and registered in the State of Alaska, is provided demonstrating, through hydrologic and hydraulic analyses, that these encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. This certification is known as a conveyance calculation or a "no-rise" certification and must be submitted and verified before a floodplain development permit will be issued.

The permittee named above is responsible for the actions of the contractors, agents, and any other persons who perform work to accomplish the approved plan. For any activity that deviates from the approved plan, the permittee shall notify the River Center and obtain written approval before beginning the activity.

Compliance with the conditions and stipulations of all other necessary local, state and federal permits is required. The permittee is solely responsible for obtaining all necessary local, state, and federal permits before beginning work.

Flood information used to issue this permit is based on the regulatory Flood Insurance Rate Maps (FIRMs) for the Kenai Peninsula Borough. This permit does not imply the referenced project areas will or will not be free from flooding or damage. Larger floods can and will occur on rare occasions. This information does not create liability on the part of the Borough, its officers or employees, or the Federal Insurance Administration, for any damage that results from reliance on this information.

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.

Please contact me with any questions or modifications to the permitted project activities at 907-714-2460 or [jhindman@kpb.us](mailto:jhindman@kpb.us).

Sincerely,

A handwritten signature in blue ink that reads "Julie Hindman". The signature is written in a cursive, flowing style.

Julie Hindman  
Planner



**FLOODPLAIN DEVELOPMENT PERMIT**

6/15/2026

RC Number: 13825

Issued: 6/15/2026

Expires: Lifetime of Structure as Permitted

Dustin Wearly  
1132 N 780 W  
Clinton, UT 84015

Dear Applicant:

Pursuant to KPB Chapter 21.06, Floodplain Management, this is the floodplain development permit for your proposed project. Please review the entire document, as you are responsible for meeting all terms and conditions contained herein, and all development must remain in compliance with these regulations as long as they are located in the regulatory floodplain.

**Project Location**

KPB Parcel ID: 05525312  
Legal Description: T 5N R 10W SEC 7 SEWARD MERIDIAN KN 2005058 RIVERWOOD SUB  
2000 ADDN TRACT A1  
Physical Address: 45439 Catching Silvers Dr

**Floodplain Determination**

Map Panel: 02122C-0240F  
Effective Date: 2/28/2025  
Flood Zone(s): Floodway, AE  
Base Flood Elevation: 31.4 feet, NAVD 88

**Project Description**

Applicant requests to place ELP structures along the water and install a revetment project along a portion of the property. The ELP will include a 20 foot by 8 foot platform and a small set of upland stairs to provide access. The spruce tree revetment will be 63 feet along the property.

**Permit Conditions**

The proposed project and associated activities must comply with the following conditions in addition to all standards detailed in KPB Chapter 21.06. Development that occurs in the regulatory floodplain that does not comply with these conditions or the provisions of KPB 21.06 is prohibited and constitutes a

violation subject to enforcement under KPB 21.50. Each day a violation continues is a separate violation. In addition, this permit is only valid if all other federal, state and local permits are secured and if the project remains in full compliance with the regulations of those agencies.

Project activities may not cause an increase in the Base Flood Elevation or alter the course of a waterway. If your project causes a rise in the Base Flood Elevation or alters the waterway such that other properties are affected, you may be held liable for any damage.

No trees, fill or other material may be stockpiled in the regulatory floodplain.

Clearing may not increase runoff and erosion to such levels that it may significantly damage the floodplain function, riparian habitat or wetlands.

Elevated Light-Penetrating (ELP) structures must be designed and installed to meet the standards in KPB 21.18.071(A)(2). The structure must have a de minimus footprint, may not impede the flow of water, may not cause a rise in the Base Flood Elevation, will not encroach into the active channel, and will cause no change to the original bank cross section.

Elevated Light-Penetrating (ELP) structures must be properly anchored using "duck bill" earth anchors and removed seasonally. Please note that any ELP structures stored in the floodplain must still be securely and continuously anchored to resist flotation, collapse, or lateral movement during flood and ice-jam events.

The legs of Elevated Light-Penetrating (ELP) walkways and platforms may not be placed below Ordinary High Water, and must be placed on the bank. Note that a legally installed structure may become illegal due to naturally-occurring erosion or channel migration. The ELP and bank should be regularly evaluated to determine if the ELP should be moved back to keep legs out of the water and to remain in compliance.

The bank restoration project approved under this permit is within a special flood hazard area. Project features will be constructed within the current stream bank profile and will not encroach into the active channel such that the reconstructed areas will have the same cross section as the current shoreline and stream bank condition. No change to the original bank cross section will be made. Any planting required for the project will be appropriate for the bank and will not increase the assumed bank roughness used in modeling that created the floodway.

Installation and maintenance of the restoration project must follow the best management practices outlined in "Streambank Revegetation and Protection: A Guide for Alaska" published by the Alaska Department of Fish and Game. Copies of this manual are available at the River Center or online at <https://www.adfg.alaska.gov/index.cfm?adfg=streambankprotection.main>.

### **Required Additional Documentation**

No additional documentation is required to complete the permitting process. River Center staff may request to perform a final inspection after work is complete.

## **Advisories**

Federal regulation 44 CFR §59 states that this floodplain development permit is valid until the expiration date above, provided that work on this project begins within 180 days of the issue date. If work does not begin within 180 days, this permit will expire at the end of that period and you will be required to resubmit your application.

KPB Chapter 21.06 states that all proposed construction or development in the flood hazard areas of the Kenai Peninsula requires that a floodplain development permit be secured prior to beginning any work. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. This also includes "substantial improvement" of existing structures, which is defined as improvements that total in value more than 50% of the structures pre-improvement value. Structures that are substantially improved or that suffer substantial damage (damage in excess of 50% of the structure's pre-damage value) must be brought into full compliance with current floodplain development regulations, regardless of when they were originally constructed.

All encroachments in the regulatory floodway, including fill, new construction, substantial improvements, and other development are prohibited unless certification by an engineer or architect, licensed and registered in the State of Alaska, is provided demonstrating, through hydrologic and hydraulic analyses, that these encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. This certification is known as a conveyance calculation or a "no-rise" certification and must be submitted and verified before a floodplain development permit will be issued.

The permittee named above is responsible for the actions of the contractors, agents, and any other persons who perform work to accomplish the approved plan. For any activity that deviates from the approved plan, the permittee shall notify the River Center and obtain written approval before beginning the activity.

Compliance with the conditions and stipulations of all other necessary local, state and federal permits is required. The permittee is solely responsible for obtaining all necessary local, state, and federal permits before beginning work.

Flood information used to issue this permit is based on the regulatory Flood Insurance Rate Maps (FIRMs) for the Kenai Peninsula Borough. This permit does not imply the referenced project areas will or will not be free from flooding or damage. Larger floods can and will occur on rare occasions. This information does not create liability on the part of the Borough, its officers or employees, or the Federal Insurance Administration, for any damage that results from reliance on this information.

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.

Please contact me with any questions or modifications to the permitted project activities at 907-714-2460 or [jhindman@kpb.us](mailto:jhindman@kpb.us).

Sincerely,

A handwritten signature in blue ink that reads "Julie Hindman". The signature is written in a cursive, flowing style.

Julie Hindman  
Planner



**ALASKA DEPARTMENT OF NATURAL RESOURCES**  
**Division of Parks and Outdoor Recreation**  
**Special Use Permit (11 AAC 18.010) - KRSMA Multiagency**

**ASP Number:** 2603746 (State Assigned – Alaska State Park, Permit Number)

*By the applicant signing the initial application, the applicant is accepting the terms and conditions of this permit.*

**APPLICANT INFORMATION**

Full Name: Dustin Wearly  
 Company/Organization Name (if applicable): \_\_\_\_\_  
 Mailing Address: 1132 N 780 W  
 City: Clinton State: UT Zip Code: 84015  
 Email Address: dustinwearly@gmail.com  
 Phone (include area code): 801-564-5536

**REQUESTED ACTIVITY:**

Spruce Tree Revetment ~64 feet (full length of waterfront property)

See RC MAP below.

**PERMIT AUTHORIZATION (for State use only, permit not valid unless signed by Authorized Officer)**

- Permit authorized as requested in application section above OR  
 Permit authorized with the following changes to the requested activities:

The Director of DPOR has reviewed this application in the context of:

- The applicable Management Plan: Kenai River Comprehensive Management Plan Adopted (date): Dec 1997  
 No Management Plan applies.

11 AAC 18.025(c) and the following:

- (1) Park facilities and natural and cultural resources will not be adversely affected;  
 (2) The state park is protected from pollution;  
 (3) Public use values of the state park will be maintained and protected; and  
 (4) The public safety, health, and welfare will not be adversely affected.

Reviewing the management plan – if one applies – and 11 AAC 18.025(c), the Director of DPOR has determined that this permit and the activities associated under this permit are consistent with 11 AAC 18.025 and 11 AAC 18.030. By the Authorized Officer (AO) signing below affirms this decision. Therefore, the permit is granted, subject to any special stipulations outlined below.

Application Fee: \$100 Permit Fee: \$100 (per 11 AAC 05.170 and Director’s Order)

Permit Term: Lifetime of structure/project as permitted

**Leah Goodrich** Digitally signed by Leah Goodrich  
Date: 2026.06.16 13:23:24 -08'00'

6/16/2026

Authorized Officer Signature

Date Issued



**ALASKA DEPARTMENT OF NATURAL RESOURCES**  
**Division of Parks and Outdoor Recreation**  
**Special Use Permit (11 AAC 18.010) - KRSMA Multiagency**

**ASP Number:** 2603746 (State Assigned – Alaska State Park, Permit Number)

*By the applicant signing the initial application, the applicant is accepting the terms and conditions of this permit.*

**APPLICANT INFORMATION**

Full Name: Dustin Wearly  
 Company/Organization Name (if applicable): \_\_\_\_\_  
 Mailing Address: 1132 N 780 W  
 City: Clinton State: UT Zip Code: 84015  
 Email Address: dustinwearly@gmail.com  
 Phone (include area code): 801-564-5536

**REQUESTED ACTIVITY:**

Spruce Tree Revetment ~64 feet (full length of waterfront property)

See RC MAP below.

**PERMIT AUTHORIZATION** (for State use only, permit not valid unless signed by Authorized Officer)

- Permit authorized as requested in application section above OR  
 Permit authorized with the following changes to the requested activities:

The Director of DPOR has reviewed this application in the context of:

- The applicable Management Plan: Kenai River Comprehensive Management Plan Adopted (date): Dec 1997  
 No Management Plan applies.

11 AAC 18.025(c) and the following:

- (1) Park facilities and natural and cultural resources will not be adversely affected;  
 (2) The state park is protected from pollution;  
 (3) Public use values of the state park will be maintained and protected; and  
 (4) The public safety, health, and welfare will not be adversely affected.

Reviewing the management plan – if one applies – and 11 AAC 18.025(c), the Director of DPOR has determined that this permit and the activities associated under this permit are consistent with 11 AAC 18.025 and 11 AAC 18.030. By the Authorized Officer (AO) signing below affirms this decision. Therefore, the permit is granted, subject to any special stipulations outlined below.

Application Fee: \$100 Permit Fee: \$100 (per 11 AAC 05.170 and Director’s Order)

Permit Term: Lifetime of structure/project as permitted

**Leah Goodrich** Digitally signed by Leah Goodrich  
Date: 2026.06.16 13:23:24 -08'00' 6/16/2026

Authorized Officer Signature Date Issued

**PROJECT QUESTIONS:**

1. Start date: 7/1/26 End date: \_\_\_\_\_ Estimated Days of Construction:  Yes  No

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?  Yes  No

If yes, you must fill out an Alaska State Parks application at: [dir.alaska.gov/parks/permit](http://dir.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.): \$ 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 P 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 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]  
Owner Signature (required)

MAY 28, 2026  
Date

\_\_\_\_\_  
Agent Signature (if applicable)

\_\_\_\_\_  
Date

**Multi-Agency Kenai River Special Use Permit Stipulations  
Alaska State Parks**

1. **Tracked and Wheeled Equipment.** There shall be no tracked or wheeled equipment in the Kenai River. All work must be conducted at low water when the work area is completely dewatered under an issued Special Use Permit.
2. **Pilings and Walkway Supports.** No permanent pipes or pilings shall be driven into the streambed of the Kenai River. No pilings or walkway supports shall be placed below the ordinary high-water line or in the riverbed. Walkways can cantilever no more than 12 inches over the water.
3. **Spruce Tree Revetment.** Spruce tree revetment must follow the contour of the existing bank and be placed in an undulating fashion to provide fish habitat.
  - (a) Spruce trees installed shall be held in place using duck-billed earth anchors and cable driven into the riverbank. The trees shall overlap 1/2 to 1/3 the length of the trees (in shingle fashion) with the trunk ends facing upstream. Limbs and branches shall not be removed from the trees prior to installation.
  - (b) Duck-billed earth anchors shall be driven into the riverbed to anchor the spruce trees. If the cabled spruce tree revetments are not maintained and deteriorate, all cables and anchors that remain below ordinary high water must be removed.
4. **Dock Materials.**
  - (a) No wood materials shall be treated with preservatives containing creosote or pentachlorophenol. Any other wood preservative shall be applied through pressure treatment rather than surface painting.
  - (b) Flotation materials must be made of substances that will not absorb water or sink. If Styrofoam is used, a durable outer containment liner shall be used to encapsulate the Styrofoam.
5. **Seasonally Removed.** The stairs, walkways, and floating dock with gangway must be removed each season between October 31 to April 15.
6. **Authorized Officer.** The Authorized Officer (AO) for the State of Alaska (State), Department of Natural Resources (DNR), Division of Parks and Outdoor Recreation (DPOR), is the Deputy Director or designee. The AO reserves the right to modify these stipulations or use additional stipulations as deemed necessary. The Permittee will be advised before any such modifications or additions are finalized.
7. **Suspension and Revocation of this permit by the State.** Failure to abide by any part of this use permit, to comply with any of the general or special stipulations, or the willful violation of any state regulation may result in immediate suspension or revocation of this permit and may result in the denial of future permits.
8. **Revocable at will.** This permit may be revoked at any time at the discretion of the director or his/her designee without compensation to the Permittee or liability to the State.
9. **Preferential Rights.** No preferential rights to additional services of a proprietary interest right in the lands are attached to this permit.
10. **Indemnification.** The Permittee shall indemnify, hold harmless, and defend the State, its officers, agents, and employees from liability of any nature or kind, including costs and expenses for or on account of all legal actions or claims of any character whatsoever resulting from injuries or damages sustained by any person or persons or property as a result of any error, omission, or negligent act of the Permittee relating to this permit.
11. **Repair of Damage.** The Permittee shall be liable for the repair of any damage to land, facilities, or resources resulting from the activities of the Permittee, his/her agents, employees, or clients.
12. **Lawful Operations / Documentation.** This permit authorizes activities only on the specific park lands and waters listed on this permit. It does not grant permission to use private, federal, native, municipal, or other lands not listed on this permit. The Permittee is responsible for ensuring all activities occur within the authorized areas and for complying, at their own expense, with all applicable laws. This includes obtaining all required local, state, and federal licenses, permits, tags,

**Multi-Agency Kenai River Special Use Permit Stipulations  
Alaska State Parks**

- 23. Wildlife Interactions.** No wildlife species will be baited, harassed, or approached closely enough to disrupt the animal's natural activity or to endanger human life except for legal hunting and fishing.
- 24. Refuse and Waste.**
- (a) No person may bring waste or refuse from household, commercial, industrial, or construction activities into a state park for disposal.
  - (b) No person may place waste or refuse in state park water, or on land or water capable of contaminating state park water.
  - (c) Unless it is deposited in a park waste receptacle, waste or refuse created in the course of activities in a state park must be removed from the state park by those responsible for its creation.
  - (d) The provisions of this section do not apply to animal waste normally discarded by hunters, trappers, or fishermen in the course of legal hunting, trapping, or fishing, except that waste must not be left within 100 feet of a trail, road, or developed facility.
- 25. Site Disturbance.** Site disturbance shall be kept to a minimum to protect local habitats. All activities at the site shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems.
- (a) Brush clearing is prohibited unless specifically authorized by this permit. If authorized, brush clearing should be kept to the minimum necessary. Removal or destruction of the vegetative mat is not authorized under this permit.
  - (b) Establishment of, or improvements to, landing areas (i.e., leveling the ground or removing or modifying a substantial amount of vegetation) is prohibited.
  - (c) Attention must be paid to prevent pollution and siltation of streams, lakes, ponds, wetlands, and disturbances to fish and wildlife habitats.
- 26. Aesthetics.** The Permittee shall protect the scenic aesthetic values of the area under this permit and the adjacent land, as far as possible, while conducting activities authorized under this permit.
- (a) Any portion of the permitted project and attached structures that collapse into the Kenai River due to natural erosion or structural deterioration shall be immediately removed.
- 27. Fuel and Hazardous Substances.** Fuel and hazardous materials/substances may not be stored at the site without prior written approval.

**Appeals**

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A .pdf or print copy of 11 AAC 02 may be obtained by contacting DNR's Appeals Program via phone at (907) 269-3565, via email at [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov), and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.



## **KENAI PENINSULA BOROUGH RIVER CENTER NOTICE OF PUBLIC HEARING**

The Kenai Peninsula Borough received an application for a Conditional Use Permit under KPB 21.18.081 for a project within the 50-foot Habitat Protection District (HPD) of the 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 45439 Catching Silvers Dr, Alaska, Parcel ID 05525312. Our records indicate that you are a property owner within 300 feet of that parcel.

### **Project Description:**

Applicant proposes to place a cabin on a gravel parking pad 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, June 22, 2026 at 7:30 pm or as soon thereafter as business permits
- Where:** This meeting will be held in the Betty J. Glick Chambers, George A. Navarre Borough Administration Building located at 144 North Binkley Street, Soldotna.
- Zoom:** Meeting ID 907 714 2200  
<https://us06web.zoom.us/j/9077142200>  
 1-888-788-0099 or 1-877-853-5247  
 Or other audio or video conferencing means whenever technically feasible

### **How do I comment on the project?**

You can provide verbal comment at the meeting (see information above). You may also submit written comments. **Written comments must be received by 1:00 pm Friday, June 19, 2026.**

Mail comments to:  
Donald E. Gilman River Center  
514 Funny River Road  
Soldotna, Alaska 99669

Email comments to:  
[KenaiRivCenter@kpb.us](mailto:KenaiRivCenter@kpb.us)

For additional information, please contact Morgan Aldridge at [MAldridge@kpb.us](mailto:MAldridge@kpb.us) or 907-714-2465.