

E. NEW BUSINESS

7. Conditional Use Permit; PC Resolution 2026-37

Applicant/Landowner: Wilson

Request: For an oversized ELP attached to a cabin within the 50' HPD of the Kenai River

**Location: 45646 Spruce Avenue W.
Ridgeway 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: Trevor Wilson
Mailing: 1406 276th ST NW
STANWOOD WA 98292
Phone: 360 461-3828
Email: Cwilsonconcrete@aol.com

AGENT: (if applicable)

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

PROJECT LOCATION:

KPB Parcel ID: 05748938
Physical Address: 45646 Spruce Ave W
Subdivision: Poachers Cove
Lot: 4 Block: _____ Addition/No.: _____

WATERBODY INFORMATION:

Waterbody: _____
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:

- | | | |
|--|--|--|
| ☐ Bank Stabilization | ☐ Fish & Wildlife Management | ☐ Road Construction |
| ☐ Boat Launch | ☐ Floating Dock | ☐ Structure (Accessory) |
| ☐ Bridge | ☐ Fuel Storage Green Infrastructure | ☐ Structure (Residential) |
| ☐ Coir Logs | ☐ In-Stream Structures (Weir) | ☐ Spruce Tree Revetment |
| ☐ Culvert | ☐ Oil & Gas | ☐ Stream Crossing |
| ☐ ELP Structures | ☐ On-Site Utilities | ☐ Utility Line/Easement |
| ☐ Equipment Stream Crossing | ☐ Prior-Existing Structure | ☐ Veg Mat |
| ☐ Excavation, Dredging, and/or Fill | ☐ Revegetation | ☐ Vegetation Removal |
| ☐ Fence Installation | ☐ Root Wads | ☐ Water Withdrawal |
| | | ☐ Other: <u>Deck</u> |

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

Bit a Deck All ELP materials 6' from cabin 24-30 inches from ground Apr 192
8' mirrored top + bottom, Deck is only Access from Cabin to river other
than tramping down vegetation required by Permit of cabin. The vegetation
is growing lush for entire 480 ft required (Pitchers Attached) the main barrels
@ Rear of cabin irrigate the vegetation under the Deck (also see Pics)

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

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

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

PROJECT QUESTIONS:

1. Start date: 7/31/24 End date: 7/31/26 Estimated Days of Construction: _____
2. Is any portion of the work already complete? If yes, please describe: Done with Cabin ☒ 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*

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.): \$ 6000

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): _____
- b. Is this fill permanent or temporary? ☐ Permanent ☐ Temporary
- c. Area to be filled above OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
- d. Area to be filled below OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____

Motorized Equipment:

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

SIGNATURE & CERTIFICATION:

This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge and that my site plans or drawings are attached. If applying for a tax credit, I certify that I have not begun construction of the project and that the project will be constructed to the standards in KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local regulations.

Tina White
Owner Signature (required)

6/30/26
Date

Agent Signature (if applicable)

Date

**1 "THE INTENT OF THIS LETTER IS TO REQUEST APPROVAL FOR OUR
DECK THROUGH A CONDITIONAL USE PERMIT UNDER KPB
21.18.081, SPECIFICALLY UNDER CONDITIONAL USE AND
STRUCTURES, ARTICLE 10, A THROUGH F.**

Additionally, we understand that the Kenai Peninsula Borough places a strong emphasis on preserving the natural beauty and tranquility of our surroundings. Our lot is 30 feet wide, and our cabin is 24 feet wide. In order to build our cabin (which is 24wide and 32 feet inside the HPD), we reduced its size and pulled it back to allow for 480 square feet of structure and 480 square feet of green space.

To achieve this, both sides of the lot next to the cabin have 22 feet of planted vegetation, and all 30 feet across the back of our lot is also planted. As a result, we currently have no access to the river without disrupting this vegetation.

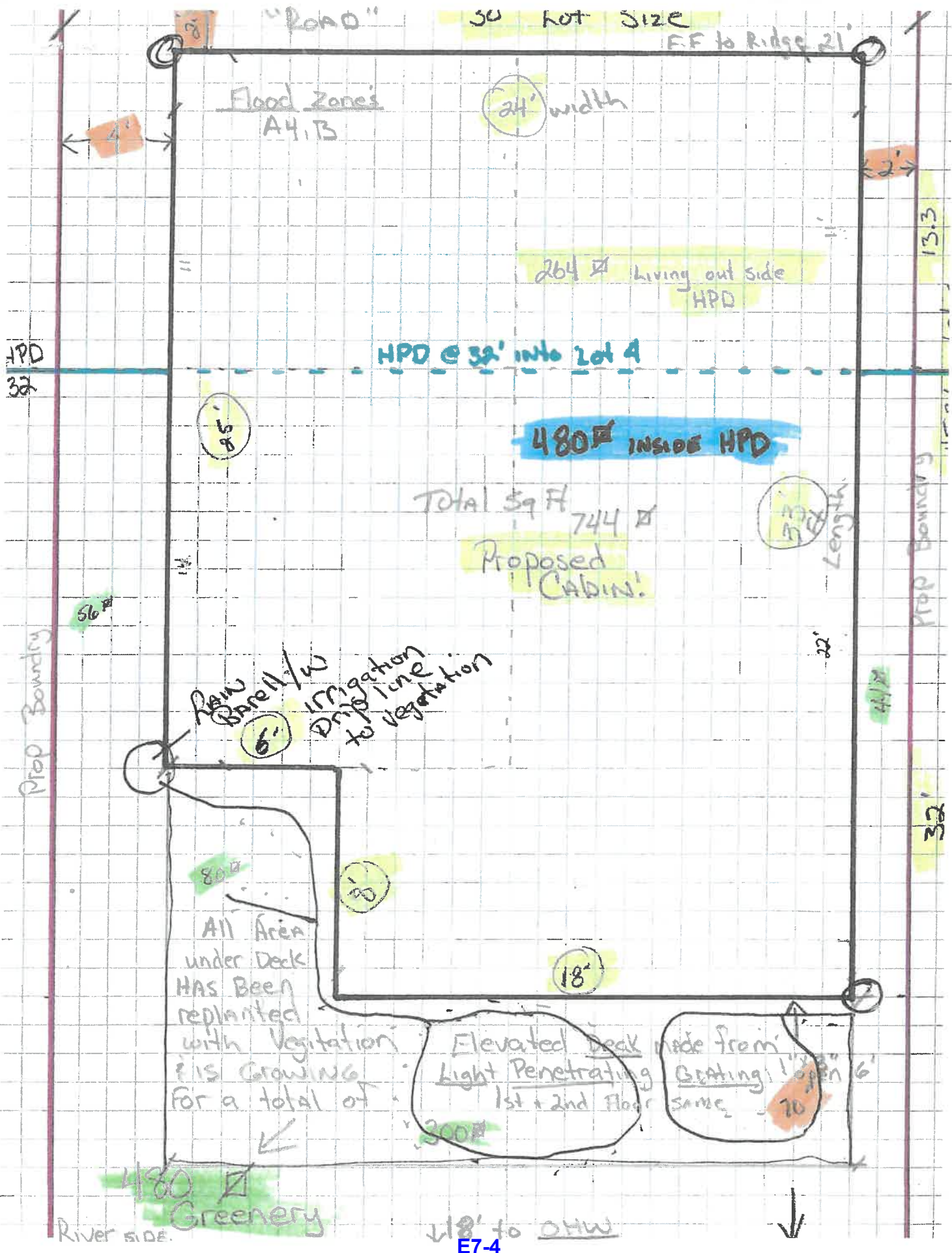
We are requesting the deck permit as a win-win solution: without a deck, the vegetation would be greatly compromised by foot traffic, but with a deck, all 480 square feet of vegetation beneath it is completely protected. We've also supplied irrigation from rain barrels at the rear of the cabin to keep the vegetation under the deck well-irrigated.

We understand that we are currently in a non-compliant situation and hope that this proposal helps us reach a resolution. We believe the deck is built with all the proper materials as an ELP structure, featuring aluminum grating, completely pervious, elevated 24 to 30 inches above the ground, and it is set six feet from the attached structure."

Please see attached photos.

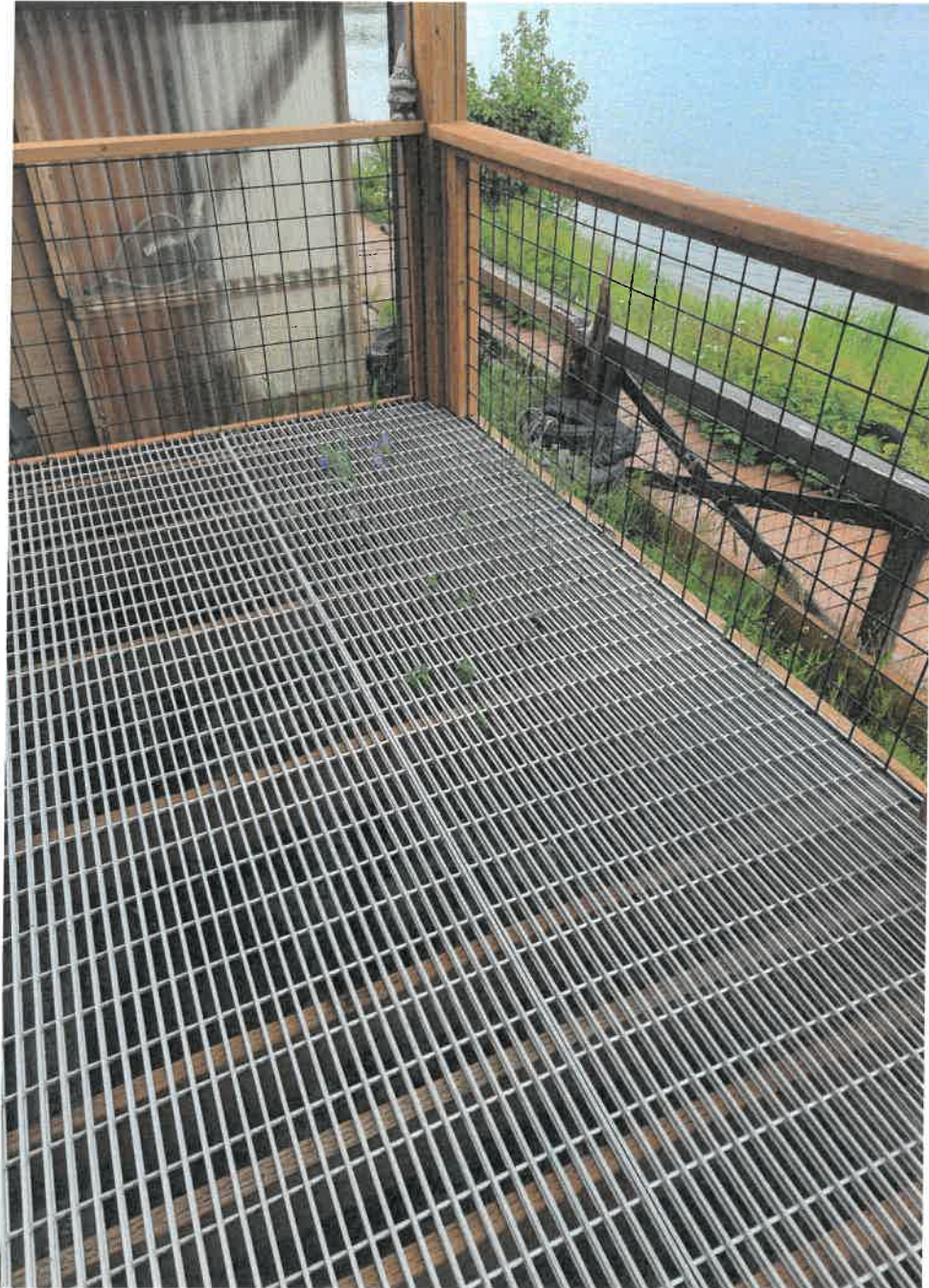
Thanks

Trevor Wilson.

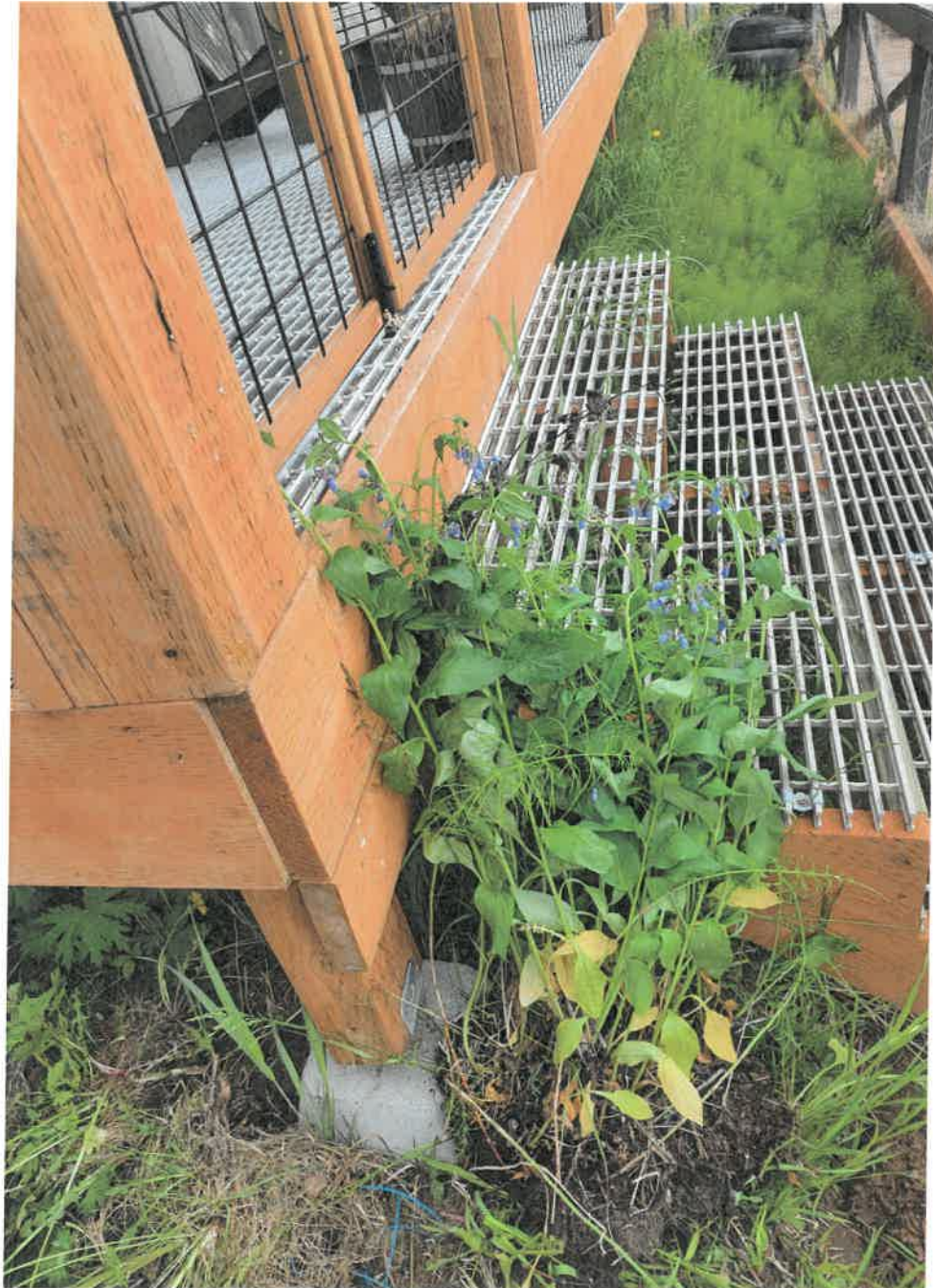
















Deck



0 50 100
ft

 **Project Area**

KPB Parcel(s):
05748938

Project Description:

Vicinity: Kalifornsky



Map created by Aldridge, Morgan
Wednesday, July 8, 2026

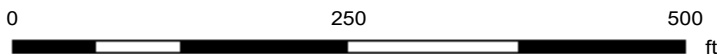


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



 **Project Area**
KPB Parcel(s):
05748938

Map created by Aldridge, Morga
Wednesday, July 8, 2026





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 45646 SPRUCE AVE W, Alaska, Parcel ID 05748938. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

Applicant requests permit for oversized ELP attached to cabin within the 50-foot HPD of the Kenai River.

How can you look at the application?

The meeting packet will be posted the week prior to the meeting. Once it has been posted it can be viewed at <https://kpb.legistar.com/Calendar> or by scanning this QR code with your phone:



How do you attend the Planning Commission meeting?

When: Monday, August 10, 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

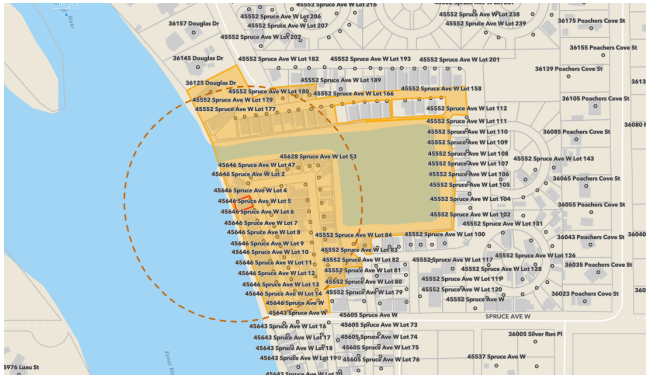
How do I comment on the project?

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, August 7, 2026.**

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

Email comments to:
KenaiRivCenter@kpb.us

For additional information, please contact Morgan Aldridge at MAldridge@kpb.us or 907-714-2465.



CUP Notification Report

Wednesday, July 8, 2026

Report generated for KPB Parcel(s):
05748938



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

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

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05707105	PURCELLA RICK A & KATHLEEN A	3701 E 121ST AVE	ANCHORAGE	AK	99516
05748757	SINGLETON FRED TRUST	4903 BOBTAIL RD	LIBBY	MT	59923
05748758	SCHAEFER NANCY LEE & DONALD E	PO BOX 3618	SOLDOTNA	AK	99669
05748759	ANDERSON MICHAEL G RESTATED TRUST AGREEMENT	PO BOX 872886	WASILLA	AK	99687
05748760	JACOBY GEORGE W	8116 ENDICOTT ST	ANCHORAGE	AK	99502
05748765	SZYMANIAK BERNARD & KATHERINE LIVING TRUST	PO BOX 337	VERDI	NV	89439
05748766	CALKINS PETER D	4478 SR 309 HWY	DALLAS	PA	18612
05748767	J & C LIVING TRUST	9401 ALISSA CIR APT A	ANCHORAGE	AK	99515
05748768	J & C LIVING TRUST	9401 ALISSA CIR APT A	ANCHORAGE	AK	99515
05748769	ROMEO JASON A	5643 VER NI RD	SEBASTOPOL	CA	95472
05748770	ROMEO CORRENE ANN	2680 E SCRUBPINE ST	MERIDIAN	ID	83642
05748770	ROMEO JOHN ANTHONY Jr	2680 E SCRUBPINE ST	MERIDIAN	ID	83642
05748771	ANDERSON MARCIA P	36955 CANNERY RD	KENAI	AK	99611
05748772	THOMPSON HOPE C	PO BOX 4423	SOLDOTNA	AK	99669
05748772	THOMPSON JERRY A	PO BOX 4423	SOLDOTNA	AK	99669
05748773	HAMILTON MATTHEW & PRISCILLA D	8500 E 11TH CT	ANCHORAGE	AK	99504
05748784	BEAUCLAIR CARLA K	13816 SE 5TH ST	BELLEVUE	WA	98005
05748784	GRIEBEL KELLY D	36201 TREMOLO CIR	SOLDOTNA	AK	99669
05748784	IMHOLTE MELANIE S	36029 TREMOLO CIR	SOLDOTNA	AK	99669
05748784	KEATING DAVID W	PO BOX 70	FRENCHTOWN	MT	59834
05748784	KEATING DONALD E	17025 130TH AVE SE	RENTON	WA	98058
05748784	KEATING KEVIN L	8151 7TH AVE SW	SEATTLE	WA	98106

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05748784	KEATING RYAN D	554 ANCHOR CIR	REDWOOD CITY	CA	94065
05748785	179 A SPRUCE AVE LLC	3225 MCLEOD DR STE 100	LAS VEGAS	NV	89121
05748786	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05748920	SUMMERS TROY F & LOIS E LIVING TRUST	151 DESERT ROCK DR	LAS VEGAS	NV	89123
05748921	DALEY DALE JOHN	7229 WILLOW OAK DR	COLUMBUS	GA	31909
05748921	DALEY DANIEL JAMES	3112 292ND ST S	ROY	WA	98580
05748921	HILLIKER DAWN JEANNE	12228 96TH PL NE	KIRKLAND	WA	98034
05748921	HILLIKER MARK FREDRICK	12228 96TH PL NE	KIRKLAND	WA	98034
05748921	NYREN ANDREW STEVEN	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669
05748921	NYREN DENISE JANINE	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669
05748922	DUNCANSON JOINT REVOCABLE TRUST	35555 KENAI SPUR HWY	SOLDOTNA	AK	99669
05748923	DUNCANSON JOINT REVOCABLE TRUST	35555 KENAI SPUR HWY	SOLDOTNA	AK	99669
05748924	SCOTT JOHN E ALASKA COMMUNITY PROPERTY TRUST	1120 HUFFMAN RD STE 24	ANCHORAGE	AK	99515
05748925	SCOTT JOHN E ALASKA COMMUNITY PROPERTY TRUST	1120 HUFFMAN RD STE 24	ANCHORAGE	AK	99515
05748926	SCHAEF JULIA DARICE REVOCABLE TRUST	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748926	SCHAEF STEVE	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748927	SCHAEF JULIA DARICE REVOCABLE TRUST	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748927	SCHAEF STEVE	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748928	SCHAEF JULIA DARICE REVOCABLE TRUST	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748928	SCHAEF STEVE	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748929	CASON WANDA REVOCABLE TRUST	50623 DOSSOW ST	NIKISKI	AK	99611
05748930	WILSON CURT M	1406 276TH ST NW	STANWOOD	WA	98292
05748931	WILSON CURT M	1406 276TH ST NW	STANWOOD	WA	98292
05748932	BURLESON DELAINE M	4515 N MCKEAN DR	PALMER	AK	99645
05748933	WILSON TREVOR C	1406 276TH ST NW	STANWOOD	WA	98292
05748934	HAAG MARK JUDE TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748934	WALLACE MELODY LYNN FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748935	BEVERIDGE BETH A	2042 BRANDILYN ST	ANCHORAGE	AK	99516

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05748935	BEVERIDGE DAVID G	2042 BRANDILYN ST	ANCHORAGE	AK	99516
05748936	CLAUSEN FAMILY TRUST	24039 MOBILE ST	WEST HILLS	CA	91307
05748937	HAAG MARK JUDE TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748937	WALLACE MELODY LYNN FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748938	WILSON TREVOR C	1406 276TH ST NW	STANWOOD	WA	98292
05748939	RIDDELL ANDREW H	1390 GABRIOLA CT	BELLINGHAM	WA	98229
05748940	BURDG HARRELL TRUSTEE OF HARRELL BURDG TRUST	3649 N HIGHWAY 13	HAMILTON	MO	64644
05748941	DUNHAM JAMES C & MARLENE A	920 S HUGHES ST	HAMILTON	MO	64644
05748942	DALTON TREY	601 S FIR ST	CHANDLER	AZ	85226
05748942	WELLIK DANIELLE	2932 S 450 W	BOUNTIFUL	UT	84010
05748943	SHULER KATRINA JEAN	6931 VIBURNUM DR	ANCHORAGE	AK	99507
05748943	WASHINGTON NATALIE ANN	6931 VIBURNUM DR	ANCHORAGE	AK	99507
05748943	WHEELS MICHAEL ALAN	6931 VIBURNUM DR	ANCHORAGE	AK	99507
05748944	DRYER DAMON M TRUST	PO BOX 221127	SAN DIEGO	CA	92192
05748945	BUTTS FAMILY TRUST & CRAWFORD ARDITH L	322 LUPINE ST	SOLDOTNA	AK	99669
05748946	PECK WILLIAM A & GAYLE L	45646 SPRUCE AVE W # 39	SOLDOTNA	AK	99669
05748947	RIDDELL ANDREW H	1390 GABRIOLA CT	BELLINGHAM	WA	98229
05748948	CLAUSEN FAMILY TRUST	24039 MOBILE ST	WEST HILLS	CA	91307
05748949	HAAG MARK FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748949	WALLACE MELODY LYNN FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748950	BROWN GREG & WANDA JOINT REVOCABLE TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748951	PILES MARGARET A	36 MOORINGS DR	LAKE SAINT LOUIS	MO	63367
05748951	PILES ROBERT E	36 MOORINGS DR	LAKE SAINT LOUIS	MO	63367
05748952	JOHNSON MICHAEL W REVOCABLE TRUST	6600 SHERWOOD CIR	ANCHORAGE	AK	99504
05748952	JOHNSON SHIZUKO M REVOCABLE TRUST	6600 SHERWOOD CIR	ANCHORAGE	AK	99504
05748953	BROWN GREGORY R EXEMPT TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748954	BROWN GREGORY R EXEMPT TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748955	BROWN GREGORY R EXEMPT TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748956	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05748957	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05749301	RING FLOYD	500 S BRUCE ST	ANAHEIM	CA	92804
05749301	RING FLOYD AND SANDRA FAMILY TRUST	4970 DISCOVERY PT	DISCOVERY BAY	CA	94505
05749301	RING SANDRA	500 S BRUCE ST	ANAHEIM	CA	92804
05749302	HAMM GARY	5612 N BLACKSTONE AVE	FRESNO	CA	93710
05749302	NEZBAILO NATALIJA	5612 N BLACKSTONE AVE	FRESNO	CA	93710
05749303	WHETHAM GERALD E	115 BIRD LN	WHITEFISH	MT	59937
05749304	WHETHAM GERALD E	115 BIRD LN	WHITEFISH	MT	59937
05749305	COLE FAMILY TRUST	15265 S RIVER RD	CATALDO	ID	83810
05749306	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05749319	SHERWOOD KRISTIN MARIA	5237 E 22ND AVE	ANCHORAGE	AK	99508
05749320	SHERWOOD KRISTIN MARIA	5237 E 22ND AVE	ANCHORAGE	AK	99508
05749321	LEALCALA CHRISTIAN	5420 KIOWA DR	LA MESA	CA	91942
05749322	WHETHAM GERALD	115 BIRD LN	WHITEFISH	MT	59937
05749323	BURDG HARRELL TRUST AGREEMENT	3649 N HIGHWAY 13	HAMILTON	MO	64644
05749324	BURDG HARRELL	920 S HUGHES ST	HAMILTON	MO	64644
05749324	DUNHAM JAMES	920 S HUGHES ST	HAMILTON	MO	64644
05749324	HINSLEY BRIAN	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749324	HINSLEY TANYA	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749325	BURDG HARRELL	920 S HUGHES ST	HAMILTON	MO	64644
05749325	DUNHAM JAMES	920 S HUGHES ST	HAMILTON	MO	64644
05749325	HINSLEY BRIAN	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749325	HINSLEY TANYA	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749326	EISEL STEPHEN L	15971 WATSON RD	COPENHAGEN	NY	13626
05749327	RING FLOYD	500 S BRUCE ST	ANAHEIM	CA	92804
05749327	RING FLOYD AND SANDRA FAMILY TRUST	4970 DISCOVERY PT	DISCOVERY BAY	CA	94505
05749327	RING SANDRA	500 S BRUCE ST	ANAHEIM	CA	92804
05749328	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05749336	YAMADA GERALD M	99-670 HALAWA DR APT A	AIEA	HI	96701
05749336	YAMADA JERRELLYN L	99-670 HALAWA DR APT A	AIEA	HI	96701
05749337	HARRIS ANGELA	12522 CRESTED BUTTE DR	EAGLE RIVER	AK	99577

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

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05749338	HARRIS ANGELA	12522 CRESTED BUTTE DR	EAGLE RIVER	AK	99577
05749339	DALEY DALE JOHN	7229 WILLOW OAK DR	COLUMBUS	GA	31909
05749339	DALEY DANIEL JAMES	3112 292ND ST S	ROY	WA	98580
05749339	HILLIKER DAWN JEANNE	12228 96TH PL NE	KIRKLAND	WA	98034
05749339	HILLIKER MARK FREDRICK	12228 96TH PL NE	KIRKLAND	WA	98034
05749339	NYREN ANDREW STEVEN	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669
05749339	NYREN DENISE JANINE	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669

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

PC Res No.	2026-37
Planning Commission Meeting:	Monday, August 10, 2026
Applicant	Trevor Wilson
Mailing Address	1406 276th St. N.W. Stanwood, WA 98292
Legal Description	POACHER'S COVE PLANNED UNIT DEVELOPMENT AMENDED LOT 4
Physical Address	45646 SPRUCE AVE W
KPB Parcel Number	05748938

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of oversized deck within the 50-foot Habitat Protection District (HPD) of the Kenai River, as established in KPB 21.18.040.

Background Information

In 2023, the applicant was issued a Conditional Use Permit from the Planning Commission to construct a cabin in the HPD under the small lot provisions provided by KPB 21.18.081. The applicant maximized their allowable impervious footprint within the HPD and was required to create 480 square feet of green space within the HPD. Upon final inspection, River Center staff found that an unpermitted two-story deck had been attached to the river side of the cabin. The applicant is seeking an after-the-fact-permit from the Planning Commission that would allow the deck to remain.

This deck does not meet the standards of KPB 21.18.071(2) to qualify for a Staff Permit:

1. Staff Permits are only issued for ELP structures that are not ancillary to another use and are solely for purposes of accessing the river. These platforms are constructed along the banks of the river, and have limitations to their overall length, depth, and height requirements. This deck is ancillary to the cabin, and is not solely for accessing the river.
2. ELP structures must provide at least 25% light-penetration. The percent-light-penetration is not rated for overlapping platforms, as the percent-light-penetration is only rated for a single layer of ELP material. We cannot say what percent-light-penetration the two-story

deck is, but the photos provided in the application show vegetation growing under the decks.

3. ELP structures cannot exceed 1/3 of the length of available riverfront, and no more than 8 feet deep. This deck is 24 feet wide and the parcel has 30 feet of riverfront. There is also already a wooden prior-existing platform that is 30 feet long. If this prior-existing structure were removed, the largest allowable ELP under a Staff Permit would be 10 feet wide by 8 feet deep.

This deck does not meet the standards of small lot provisions within KPB 21.18.081(B)(10):

1. The parcel must be 0.3 acres or smaller, and have less than 4,000 square feet of total developed impervious coverage. This parcel is 0.03 acres, and the total developed impervious surface (permitted cabin) is 744 square feet.
2. The parcel must have less than 4,000 square feet of suitable development area outside the HPD. This parcel is a total of 1300 square feet, with 340 square feet outside the HPD, and 960 square feet within the HPD.
3. On the portion of the parcel within the HPD, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation. Of the 960 square feet within the HPD, 480 square feet must be able to sustain native vegetation. The cabin permitted by the Planning Commission was designed to leave 480 square feet of vegetation.
4. Had the original application included the decks, staff would have required the cabin footprint to be reduced.

This deck does not qualify as a pervious coverage:

1. KPB 21.18.10 defines "Impervious coverage" as *"an area of ground that, by reason of its physical characteristics or the characteristics of materials covering it, does not absorb rain or surface water. All parking areas, driveways, roads, sidewalks and walkways, whether paved or not, and any areas covered by buildings, structures, or water shedding material such as, but not limited to, concrete, asphalt, brick, stone, wood, ceramic tile, plastic sheeting or metal shall be considered to be or have impervious coverage. Elevated light penetrating structures meeting the [Staff Permit] requirements of KPB 21.18.071(A)(2) shall not be counted as impervious coverage."* ELP platforms issued by Staff Permits are not counted as impervious surfaces because they are for recreational river access, are seasonally removed, and have strict size and placement limitations.
2. As established above, ELP platforms issued by Staff Permits are only allowed when they are solely for accessing the river. Over the years, staff have found that ELP platforms become easily covered, or converted to become impervious surfaces. Platforms become enclosed, roofed, covered with walking mats or furniture, or are rebuilt with wooden decking. All of which negate the benefits of ELP structures, and increase the impacts within the HPD.

If approved, this may set a precedent that goes against the nature of the chapter, and could allow for excessive impervious coverage within the HPD on small lots. Staff requests that the Planning Commission determine if the two-story deck meets the standards of KPB 21.18.081 for a Conditional Use Permit, specifically subsection (10)(e), and whether or not the deck should be counted toward the total impervious coverage for the property

Project Details within the 50-foot Habitat Protection District

Applicant requests an after-the-fact permit for a two-story deck attached to a previously permitted residential structure. The decks are made of 80% elevated-light penetrating (ELP) materials. The first level is elevated 24-30 inches off the ground, and the second level is elevated at least 8 feet off the ground. The decks are 24 feet wide and between 14 feet and 6 feet deep.

Recommendation

Pursuant to 21.18.081(D) General Standards. All of 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 to the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; this standard has been met.
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; this standard has been met.
3. The development of the use or structure shall not physically damage the adjoining property; this standard has been met.
4. The proposed use or structure is water-dependent, except for fences and signs, as such uses are expressly allowed by KPB 21.18.081(B)(2) and (3), respectively;
5. Applicant or owner's compliance with other borough permits and ordinance requirements; issuance of a permit by the Planning Commission will bring the applicant into compliance with borough code. If the Planning Commission chooses to deny this permit, the applicant could apply for and receive a Staff permit under KPB 21.18.071 to remove the deck.

Pursuant to 21.18.081(B)(10):

A principal structure or an addition to a principal structure on a small parcel that meets the standards below are considered water-dependent because the minimal lot size limits development of other non-water-dependent uses. Such structures may be approved within the habitat protection district provided all the following standards are met:

- a. The parcel boundaries were defined prior to January 1, 2012. This standard has been met.

- b. The parcel and is served by a public sewer system or sewage holding tank or septic system, provided the holding tank or septic system are located entirely outside the habitat protection district. This standard has been met.
- c. The parcel has an area of 0.3 acres or less and less than 4,000 square feet of total developed impervious coverage.
- d. The parcel has less than 4,000 square feet of suitable development area outside the habitat protection district. This standard has been met.
- e. On the portion of the parcel within the habitat protection district, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation, or 3,000 square feet of area able to sustain native vegetation, whichever is less.
- f. The standard for development is to first utilize suitable parcel areas outside the habitat protection district. Within the habitat protection district, nearshore areas that may sustain native vegetation must be preserved to minimize impact.

The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses. For the reasons outlined above, staff cannot recommend approval. Staff confirms that standards 1-3 of the five General Standards required by KPB 21.18.081(D) have been met. Staff confirms that KPB 21.18.081(B)(10) standards a., b., and d. of the small lot provisions have been met.

Staff recommends the Planning Commission review the following Resolution and determine if the Commission can grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2026-37. Staff would recommend that the Commission attach their own findings and standards as needed to support their decision.

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. 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.

Attachments

Multi-Agency Application
Draft Resolution 2026-37
PC Resolution 2023-28
END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2026-37

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

- WHEREAS,** Kenai Peninsula Borough (KPB) Code of Ordinances (KPB code) Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and
- WHEREAS,** KPB code 21.18.081 provides that a Conditional Use Permit is required for construction not meeting the standards of KPB code 21.18.071; and
- WHEREAS,** KPB code 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 KPB code 21.11.030; and
- WHEREAS,** public notice was posted as provided in KPB code 01.08.180 and
- WHEREAS,** public testimony was received at the Monday, August 10, 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 code, Chapter 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of oversized deck within the 50-foot Habitat Protection District (HPD) of the Kenai River, as established in KPB 21.18.040.

Section 2. Findings of Fact Pursuant to KPB Code 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB code 21.18.040.
2. Pursuant to KPB code 21.18.081(B)(10), a principal structure or an addition to a principal structure on a small parcel may be approved within the habitat protection district provided certain standards are met. The Planning Commission finds that the proposed project does _____ meet the six required standards under KPB code 21.18.081(B)(10).
3. Pursuant to KPB code 21.18.081(D) General Standards, the Planning Commission finds that the proposed project does _____ meet the five required general standards.
4. Pursuant to KPB code 21.18.020(A), this chapter was established, in part, 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 code 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. The two-story deck keeps foot traffic off the ground and allows for vegetation growth for the entire size.
7. Each level of the deck were constructed using 80% light-penetrating materials, and meet the height requirement of KPB code 21.18.071(2) for ELP structures to allow for vegetation growth. The percent-light-penetration of the stacked decks is not known, but photos included with the application show that vegetation has become established beneath the decks.
8. Pursuant to KPB code 21.18.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. The River Center found the application complete and scheduled a public hearing for Monday, August 10, 2026.
10. Agency review was distributed on July 23, 2026. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB code 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 23, 2026. A total of 65 mailings were sent.
12. Pursuant to KPB code 01.08.180, public notice was posted.
13. Upon approval of the Conditional Use Permit, the applicant will be 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 deck 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. Storage or use of fuel is prohibited within 50-feet of any open water.
5. 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.
6. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
7. In addition to the penalties provided by KPB code 21.18.110, and pursuant to KPB code, Chapter 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 code 21.18.082.
8. The permittee shall comply with the terms, conditions and requirements of the KPB code, Chapter 21.18, and any regulations adopted pursuant to this chapter.
9. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project. KPB code 21.18.081 (G).

Section 4. Pursuant to KPB Code 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 1-6 and Findings 1, 4 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 1-4 and Findings 4-8 support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Conditions 1-5 and Findings 6-8 support this standard.**
4. The proposed use or structure is water-dependent;
5. Applicant's or owner's compliance with other borough permits and ordinance requirements;

THIS CONDITIONAL USE PERMIT IS EFFECTIVE ON THE _____ 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. 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 PLANNING COMMISSION

RESOLUTION 2023-28

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE
CONSTRUCTION OF A RESIDENTIAL STRUCTURE 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 published in the Peninsula Clarion on September 14, 2023 and September 14, 2023 as provided in Section 21.11.020; and
- WHEREAS,** public testimony was received at the September 25, 2023 meeting of the Kenai Peninsula Borough Planning Commission;

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

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

1. Removal of existing trailer and surrounding enclosure.
2. Shrinking the building footprint inside the HPD from 780 square feet to 480 square feet.
3. Removing approximately 300 square feet of gravel and 144 square feet of bricks from the HPD.
4. Increasing the pervious (green space) in the HPD from approximately 36 square feet to 480 square feet.
5. Construction of a new residential building, with a second story of living space on top, and attached garage.
6. Structure will be built to KPB Floodplain Management standards, elevated above the Flood Protection Elevation, with sufficient flood vents for any enclosed spaces below.
7. Rain barrels will be placed at the corners of the building to collect and filter runoff water.
8. Place five cubic yards of topsoil 2-4 inches deep, allowing grass and shrub plantings to establish root systems.

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 principal structure may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. The portions of the parcel covered by impervious surfaces within the HPD will be decreased by the new structure.
7. The structure will become compliant with KPB Floodplain requirements.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for September 25, 2023.
11. Agency review was distributed on September 15, 2023 No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on September 11, 2023. A total of 56 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on September 14, 2023 and September 20, 2023.
14. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

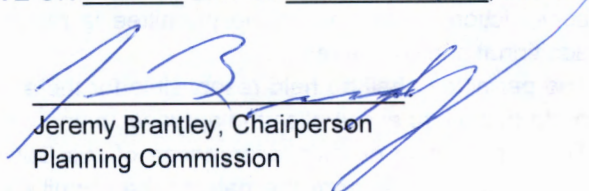
1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The structure must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.

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

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

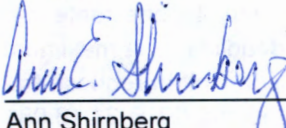
1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-3 and Findings 6-7 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 9-14 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1-3, 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 14 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON 25TH DAY OF SEPTEMBER, 2023.



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.