

## **E. NEW BUSINESS**

### **2. Conditional Use Permit; PC Resolution 2022-22**

**To perform bank stabilization on a parcel within the 50'  
Habitat Protection District of the Kenai River**

**Location: 992 Bridge Access Road, Kenai; PIN 049-011-35**

**Petitioners: Will & Becky Jahrig**

**City of Kenai**



#### Legend

- Mileposts
- CITY LIMITS
- Image



#### Notes

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1.0 0 0.49 1.0 Miles

Coordinate System: NAD\_1983\_StatePlane\_Alaska\_4\_FIPS\_5004\_Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

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<b>KPB File No.</b>	<b>2022-22</b>
<b>Planning Commission Meeting:</b>	<b>May 23, 2022</b>
<b>Applicant</b>	<b>Will &amp; Becky Jahrig</b>
<b>Mailing Address</b>	<b>PO Box 51 Kenai, AK 99611</b>
<b>Legal Description</b>	<b>T 05N R 11W SEC 4 SEWARD MERIDIAN KN 2020044 KRISTINE SUB NO 1 LOT 3</b>
<b>Physical Address</b>	<b>992 Bridge Access Rd</b>
<b>KPB Parcel Number</b>	<b>04901135</b>

**Project Description**

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

The applicant is looking to develop this property for residential use. While the residence will be outside the 50-foot Habitat Protection District, the 20-foot bluff on the property has become unstable due to various erosion processes. This property is the only undeveloped land in this section of the river, and is bordered by impervious surfaces upstream and downstream. Accompanied with reflective wave energy, the riverine and coastal processes have contributed to the erosion of the property. The applicant is looking to stabilize their bank to preserve their property. To mitigate the erosion, the applicant is proposing the following activities within the HPD:

1. Taper the bluff back, decreasing the angle from 45 degrees to 22 degrees.
2. Place approximately 4" of topsoil and plant natural vegetation along the new slope.
3. Toe-in three and four-foot-diameter boulders at the High-High Tide mark.
4. Backfill with 6-12-inch diameter rock and gravel, layered in geotextile fabrics.

**Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit**

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(A), the proposed components may be approved as a conditional structure or use within the habitat protection district.
3. The KPB Planning Commission granted similar bank stabilization techniques on a nearby property through Resolution 2020-08.
4. This property is the only undeveloped land in this area of the river, and is bordered by impervious surfaces upstream and downstream, which have contributed to the erosion of this parcel.
5. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
6. 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.

7. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
8. Pursuant to KPB 21.18.071(A)(4) Bank protection measures, this project's intent is to preserve the bank and stabilize it against future erosion. Placing boulders at the toe of the bank will mitigate further erosion to the bluff, and allow the newly tapered bluff to be revegetated.
9. Pursuant to KPB 21.06.081(D)(3), the proposed structure shall not physically damage adjoining properties. The applicant was granted permission from both adjacent property owners, and will extend the revetment onto those properties in order to mitigate any damage from reflective wave energy and reduce any chance of back eddying.
10. Pursuant to KPB 21.18.020(D), one of the purposes of Chapter 21.18 is to provide a guide for growth and development along anadromous waters in accordance with Kenai Peninsula Comprehensive Plan and through protecting and enhancing real property values.
11. 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."*
12. On April 13, 2022, the River Center, the Alaska Department of Fish and Game, US Army Corps of Engineers, and US Fish and Wildlife staff met with the applicant to perform a site visit.
13. The River Center found the application complete and scheduled a public hearing for May 23, 2022.
14. Agency review was distributed on May 6, 2022. No comments or objections have been received from resource agencies.
15. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on May 9, 2022. A total of 9 mailings were sent. No comments or objections have been received.
16. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on May 11, 2022 and May 19, 2022.
17. The applicant is currently in compliance with Borough permits and ordinances.

### **Permit Conditions**

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
3. 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.
4. Storage or use of fuel is prohibited within 50-feet of any open water.
5. The River Center shall be notified at least 3 days prior to the start of the project.
6. 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.
7. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
8. 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)).

9. 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).
10. 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.
11. 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)). The Alaska Department of Fish and Game issued a Fish Habitat Permit on May 10, 2022. Applicant is also working to obtain a permit from the US Army Corps of Engineers.

### **General Standards**

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Findings 3, 4, 8, 9 and Conditions 1-3 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 1, 2, 5-11, and Condition 10 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 9 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 4, 8, 11 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 17 appears to support this standard.**

### **Attachments**

1. Vicinity Map
2. Multi-Agency Application
3. Public Hearing Notice
4. ADFG Fish Habitat Permit
5. Draft Resolution 2022-22
6. Resolution 2020-08

### **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 2022-22.

**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**

# Multi Agency Permit Application



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

## Applicant Information:

Name: Will and Becky Jahrig  
Owner? ☒ Yes ☐ No  
Mailing: PO Box 51  
Kenai, AK 99611  
Phone: 907-252-5916 (Will)  
Email: jahrig@acsalaska.net

## Agent Information: (if applicable)

Name: \_\_\_\_\_  
Mailing: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## Project Location:

KPB Parcel ID: 04901135  
Physical Address: 992 Bridge Access Rd  
Waterbody Name: Kenai River  
River Mile: 1 Riverbank: ☒ Right  
looking downstream ☐ Left

Subdivision: Kristine Sub  
Lot: 3 Block: \_\_\_\_\_ Addn/No.: 1  
Directions to site: \_\_\_\_\_

## Permit Fees: (please select the applicable permit fees)

- ☐ \$100 - ADNR State Parks Permit ☒ \$300 - KPB Conditional Use Permit  
☐ \$50 - KPB Habitat/Floodplain Permit ☐ \$300 - KPB Floodway Development Permit

## Project Description:

☒ New Project **OR** ☐ Extension to RC# \_\_\_\_\_  
☐ Amendment

Provide a detailed description of your project and all related activities, use additional pages if needed. Include the following information for all existing and proposed structures:

- |  |   |   |
|--|---|---|
| ▪ <b>Project location &amp; dimensions</b>     | ▪ <b>Construction methods/equipment</b> | ▪ <b>Fuel Storage:</b> location, quantities |
| ▪ <b>Waterbody description &amp; proximity</b> | ▪ <b>Filling/dredging/excavation:</b>   | ▪ <b>Vegetation Removal:</b> location,      |
| ▪ <b>Proximity to OHW and/or HTL</b>           | ○ type, volume, area, location          | amount, type                                |

Installation of Armour Rock / Rip Rap to provide high tide, storm erosion/damage protection to existing river bank.

See attached diagrams, drawings, and photo's of purposed.

## KPB Tax Credit: (skip this section if your project is prior existing, only applicable to NEW projects)

Please provide your estimated project cost(s) below. Do not include grants or other funding assistance:

Elevated Light Penetrating Structure(s)	\$ _____
Bank or Habitat Restoration & Protection	\$ _____
Other Activities	\$ <u>100,000.00</u>

**Project Questions:**

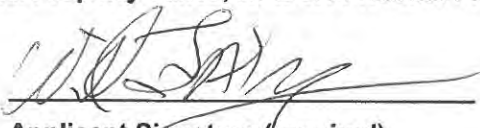
**Note:** Use Ordinary High Water (OHW) for non-tidal waters, and Mean High Tide (MHT) for tidal waters.

1. Start date: \_\_\_\_\_ End date: \_\_\_\_\_ Estimated Days of Construction: 14 days
2. Is the project located within 50 feet of OHW or HTL a waterbody? ☐ Yes ☒ No
3. Does any portion of the project extend **below** the OHW or HTL of the stream or waterbody? ☐ Yes ☒ No
4. Does any portion of the project cantilever or extend **over** the OHW of the waterbody? ☐ Yes ☒ No
5. Will anything be placed below OHW or HTL of the waterbody? ☐ Yes ☒ No
6. Will material be extracted or dredged from the site? ☒ Yes ☐ No
7. Including areas below OHW or HTL, what is the total area (in acres) that will be excavated or dredged?  
Total Area: N/A Type of Material: \_\_\_\_\_  
Location you will depositing fill: \_\_\_\_\_
8. Will any material (including soils, debris, and/or overburden) be used as fill? ☒ Yes ☐ No  
Type of material: sand/gravel Amount: 150 cu yds Permanent ☒ or Temporary ☐  
Will fill be placed below OHW or HTL: ☐ Yes ☒ No
9. List all motorized equipment to be used in this project, including access route to site, any stream or waterbody crossings, and (if applicable) how long equipment will be used below OHW or HTL: Excavator - it will be above mean high water mark
10. Is any portion of the work already complete? ☐ Yes ☒ No  
If yes, describe: \_\_\_\_\_

**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.

**If applying for a tax credit:** I certify that I have not begun construction of the project on this the property and that the proposed project will be constructed in a manner consistent with KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable ordinances.

  
Applicant Signature (required)

  
Date

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

\_\_\_\_\_  
Date



William and Becky Jahrig  
Lot 3 Kristine Subdivision.  
Proposed Armour Rock/Rip Rap Installation

Please see attached photos for location, description of scope of work (blue arrow is Ref North). Also, see attached PDF for AutoCAD representation of project.

Photo 1 - Project Location – 992 Bridge Access Rd., Kenai, AK

Photo 2 - Kristine Subdivision (Fredrickson Homestead) Land Survey  
A-Lots 1-2-3  
B-Lot 3

Photo 3 - Lot 3 Overhead View location with property lines (green) and armour rock location (yellow). This property and surrounding was used as the gravel borrow site for the Bridge Access Road and Warren Ames Bridge install. The area we intend to build on and perform the erosion control is sand/gravel. All the original topsoil was removed 45 years previously.

Photo 4 – Photos of proposed Armour Rock install  
A-Photo of proposed armour rock. Reference only looking Northeast  
B-Photo of 24'6" High Tide Fall of 2021. Looking South  
C-Photo of 24'6" High Tide Looking at Dragnet Property. Looking Southeast  
D-Photo of Building and armour rock placement. Reference Only. Looking Northeast

Photo 5 - Armour rock reference look of install.  
A-Rock placed and then top graded for vegetation.  
B-Top grade to incorporate willow and local beach grasses etc.

Photo 6 - Dragnet Fisheries (Port of Kenai LLC Private Property) existing bulkhead - Tie-In photos  
A- Existing Steel I-Beam and 30" Pipe Tie-In point. Looking Southeast  
B – Photo of existing Dragnet 24" Heavy Flange I-Beam running from 30" Pipe Bulkhead – armour rock tie-in point.  
C- Photo of existing 24" I-Beam and Tie-in point

Photo 7 - Lot 2 Kristine Subdivision, Tie-in and corner protection.  
A- Lot 2 wood gabion bulkhead  
B- Lot 2-3 Property line and Corner Wood Gabion

The purpose of the project is to stabilize the bluff front and prevent ongoing storm driven/tidal erosion to Lot 3 (Jahrig Lot) and adjacent properties in accordance with KPB 21.18.020:

1. Develop better vegetation growth area and stabilize Bluff from erosion sediment into river water column. Hold back future erosion that will destroy existing up stream small, vegetated area.
2. Due to prior topsoil removal some 45 years prior area now lacks vegetation growth. As design shows we intend to provide needed soils and contours for future long-term vegetation. We intend to use natural localized vegetation.

3. Design will use a natural low area approx. 200' from beach property line for property drainage reception. It is 4' lower than surrounding area with natural vegetation and smaller spruce trees. Septic system will be well over 200' from Toe of Bluff existing.
4. We do not plan to have any means of pollution or destructive/detrimental structures located in or around the anadromous habitat.
5. As stated above;
  - Design will decrease significant erosion and in turn allow for a healthier long term stable ecosystem to grow and take hold. Vegetation assists with the final design to stop future land erosion losses.
  - We intend for all yard drainage to flow to naturally to a low area so runoff cannot carry sediment or damaging materials into river water.
  - New bluff slope will be stable and not have the soils erosion as is now occurring due to Hi Tide driven land lose.
  - Design will hold existing footprint of riparian ecosystems and for future additive growth.

#### Project explanation and installation justification:

- Toe of bluff bank is unprotected at the 21' tide to extreme hi tide mark (25'2" HHW) and storms erode the sand/gravel of the existing bank.
- Propose installing armour rock starting at the 20'6" tide mark up to the bluff toe to prevent future erosion of Lot 3.
- To protect upstream and downstream adjacent properties, [see Photo #3](#). Due to the erosion of Lot 3, erosion of adjacent properties is occurring behind the existing erosion control. If not protected, the erosion of adjacent properties will continue at the higher tide elevations. We propose continuation of armour rock to protect Lot 2 Kristine Subdivision and Port of Kenai, as shown in drawing [C-11](#).
- Re-grade bluff slope and plant using native vegetation. This property was used as the gravel borough site for the Bridge Access Road and Warren Ames Bridge installation. All original topsoil was removed 45 years previously. In addition to erosion control, the goal of this project is to re-slope and re-vegetate existing bluff to toe. [See drawing C-10](#).

#### Proposed design:

- Install armour rock retaining wall to prevent further storms/tidal erosion.
- The toe rock of 4' diameter is key to the design. These being dug down into the sand 2' to 3' will act as pinning the rocks in place so not to move easily.
  - The front row being dug down into the sand 2' to 3' will assist this process being pinned into the beach. [See drawing # C-09 & 10](#)
  - Upper layers of rock 3' to 4' will then be held in place from the front row. [See drawing # C-09 & 10](#)
- Tapering existing bluff in a gradual manner will allow for proper drainage of rainwater/snow melt thru the natural existing sand/gravel. Using a thin topsoil layer and grassed and vegetated properly will hold soils in place until root mass forms.
- The top-level area at the 27'6" mark will be vegetated and maintained as a green strip and then the existing bluff tapered gradually at 22-degree slope and vegetated to prevent erosion due to wind/melt/rain etc. [Like photos #5A / 5B](#)
- The reason for the 27'6" flat vegetated area is so to be above saltwater intrusion and will allow vegetation to grow. Once vegetation takes hold it will find a lower growth level naturally.



- In order to protect river from unwanted water runoff from Lot 3, property drainage will be controlled and allowed to drain back inward to a natural low spot approximately 200' from the bluff edge. [See photo #4A](#)
- Geotextile will not be placed under the larger 3' to 4' rocks so that material will not be washed into river water if a failure was to occur. This will allow for needed repair/replacement rock to be set in place without digging and or need to work on failed geotextile material.

### Armour Rock / Rip Rap Benefits:

From attached photos we see that all areas that has existing bank bulkhead protection (one form or another) the erosion has been controlled. Poorly designed and failing installs show lesser ability to withstand erosion effects. Install of the Armour rock will allow for long term development in a beach friendly environment.

- Rip rap provides a safe, environmentally friendly solution to the problem of erosion.
- Rip rap acts as an energy dissipator and the energy of the waves and tidal fluctuations are absorbed by the rock providing a gentler, softer wave breaking method. The armour rock will allow for a more natural water wave action break and a solid barrier for future storm occurrences.
- Rip rap is durable and easily maintained and repaired. Where steel can rust, and wood can rot, warp and deform, rip rap only needs maintenance in certain areas. Armour rocks usage will provide substantial long-term erosion protection.
- Because rip rap is a natural element, it introduces and creates new habitats for animals and vegetation.
- Design will hold existing footprint of riparian ecosystems and for future additive growth.
- Develop better vegetation growth area and stabilize bluff from erosion sediment into river water column.
- Prevents future erosion that will destroy existing upstream vegetated area (Port of Kenai adjacent property).
- Placed as a whole unit design i.e., in a tight row parallel to bluff toe ice will not be able freeze to them and lift as easily as single rocks will do.
- Provide habitat when tidal waters reach the armour rock above the 20'6" HW.
- As design shows we intend to re-slope and add soils and contours for future long-term vegetation. We intend to use natural localized vegetation.
- In order to protect river from unwanted water runoff from Lot 3, property drainage will be controlled and allowed to drain back inward to a natural low spot approximately 200' from the bluff edge. [See photo #4A](#)
- No pollution or destructive/detrimental structures located in or around the anadromous habitat.
- The proposed armour rock install will only be in the water column approximately 10% of the time. This is due to tidal water being only present from the 20'6" height and above.
- Proposed design matches future installs in local areas. (City of Kenai Bluff Stabilization Project)
- Similar to the Homer Spit erosion protection.

### Scope of Work:

#### Phase 1 – Installation of Rip Rap

- Scope of work for Phase 1 will require 2 to 3 weeks for completion. Vegetation will be followed in Phase 2 with grass being placed first.
- All work will be above the 20' tide mark.
- Work will only be performed during tides below 19' and dropping to low tide.



- Install equipment will not need to access beach at any time below the 19.1' MHW mark. All work will be above the 19.1' elevation.
- The rock placement will start 8' from the Lot 3 beach property line. This is 12' from the Toe of Bluff. Using 4' rocks at the face and then 3' to 4' rocks placed up slope behind the rock face. [Drawing C-08 & C-09](#)
- Only the immediate adjacent existing sand/gravel bluff material will be used as needed to supplement backfill. Any material removed from the beach to place the 3' to 4' rocks will be stock piled and used as upper level backfill. This is the same materials being washed away from erosion on to the sloping beach. [See drawing # C-09 & 10](#)
- The top of rocks will be at the 27'6" Height mark which is 2'4" above the HHW mark of 25'2" HHW (extreme hi tide mark).
- Finish top grade above the large 3' to 4' armour rock will first contain 6" to 12" rock held in place using Geotextile materials. [See reference drawing # C-09](#)
- As per drawings we then will use existing sand/gravel for bottom fill of Top fill area and Geotextile material for structural integrity. The Geotextiles will hold the smaller rock and sand/gravel from being eroded from possible wave action and rain/water erosion. [See drawing # C-09 & 10](#)

## Phase 2 – Re-vegetate existing bluff to rip rap

- With the bluff being tapered properly in a gradual manner water will be able to drain properly thru the natural existing sand/gravel. Using a thin topsoil and grassed and vegetated properly to allow soils to be held from washing away using root build up.
- The top-level area at the 27'6" mark will be vegetated and maintained as a green strip and then the existing bluff tapered gradually and vegetated so to hold soils from erosions due to wind/melt/rain etc. [Like photos #5A / 5B](#)
- Design will decrease significant erosion and allow for a healthier long term stable ecosystem to grow and take hold. Vegetation assists with the final design to stop future land erosion loses.
- We intend for all yard drainage to flow to naturally to a low area so runoff cannot carry sediment or damaging materials into river water.
- Our proposed building will be set back 100' from existing TOE of BLUFF. This approx. 120' from the property line and approx. 135' from the Mean Hi Water (MHW) 19'1" mark.

## Tie-in to Adjacent Property

- Install to include tie-in to adjacent properties, upriver and down river. [See drawing # C-05 & C-11](#)
- Tie to adjacent properties will stop possible future erosion or wash out from wind driven wave action.
- The up-stream tie-in to the Port of Kenai LLC will also provide existing vegetation protection of the only area locally with several beach grasses and beach plants and shrubs. The existing pipe/I-beam bulkhead was installed 53 years ago. [See photo # 4A/4B/4C](#)
- The down-stream property (Lot2) will have rock placed around the nose of the existing Wood Gabion style bulkhead. As seen in the attached photos this is failing. [See photo # 7A / 7B](#)

## Alternative Design – Root Ball

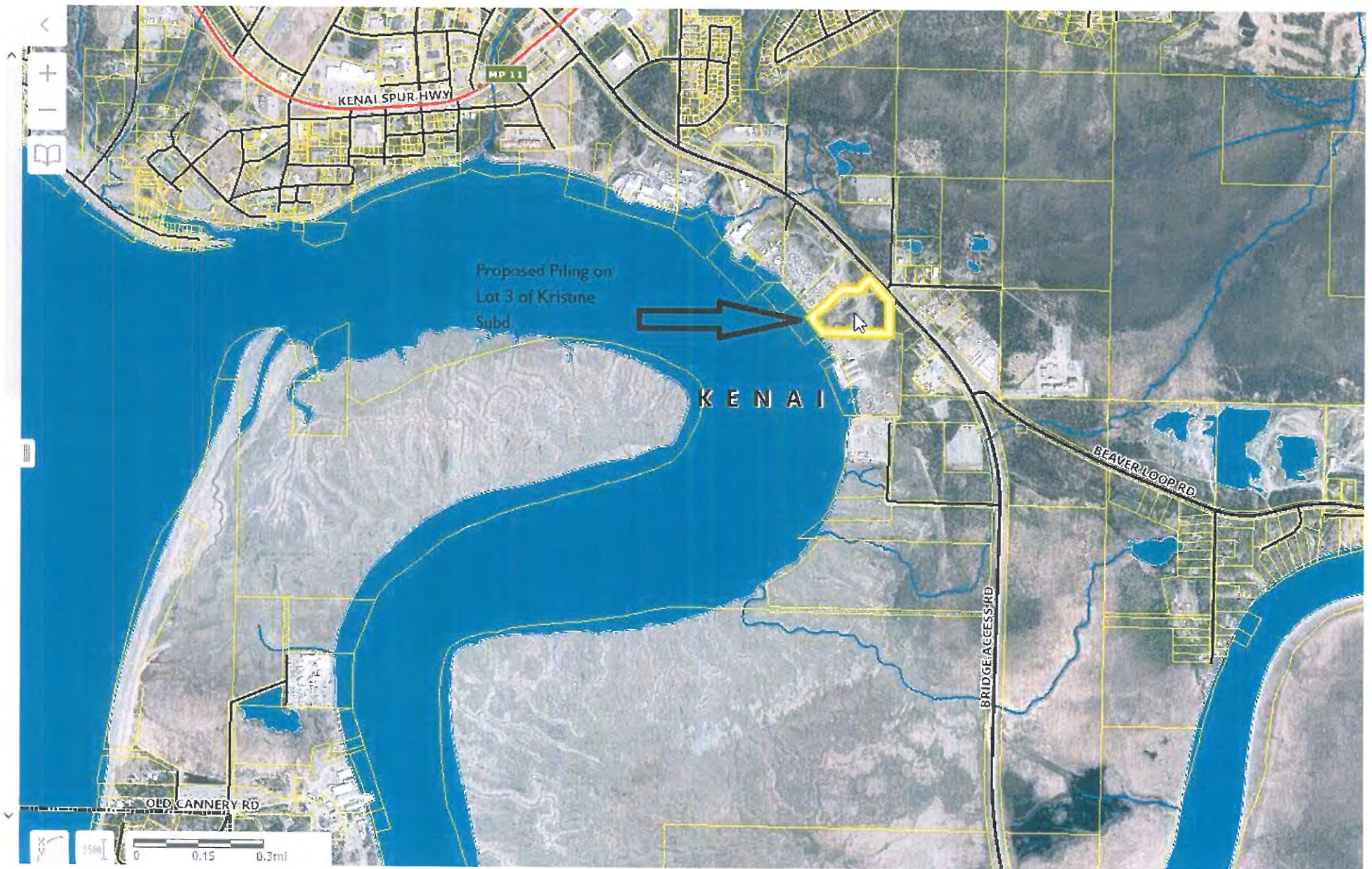
Root Ball design will not work for erosion control in this area reasons as follows-

- Due to salt water any placement below (25'2" HHW) the needed wave protection will not revegetate. Without the growth of vegetation, you will not have a future root mass tie-in.



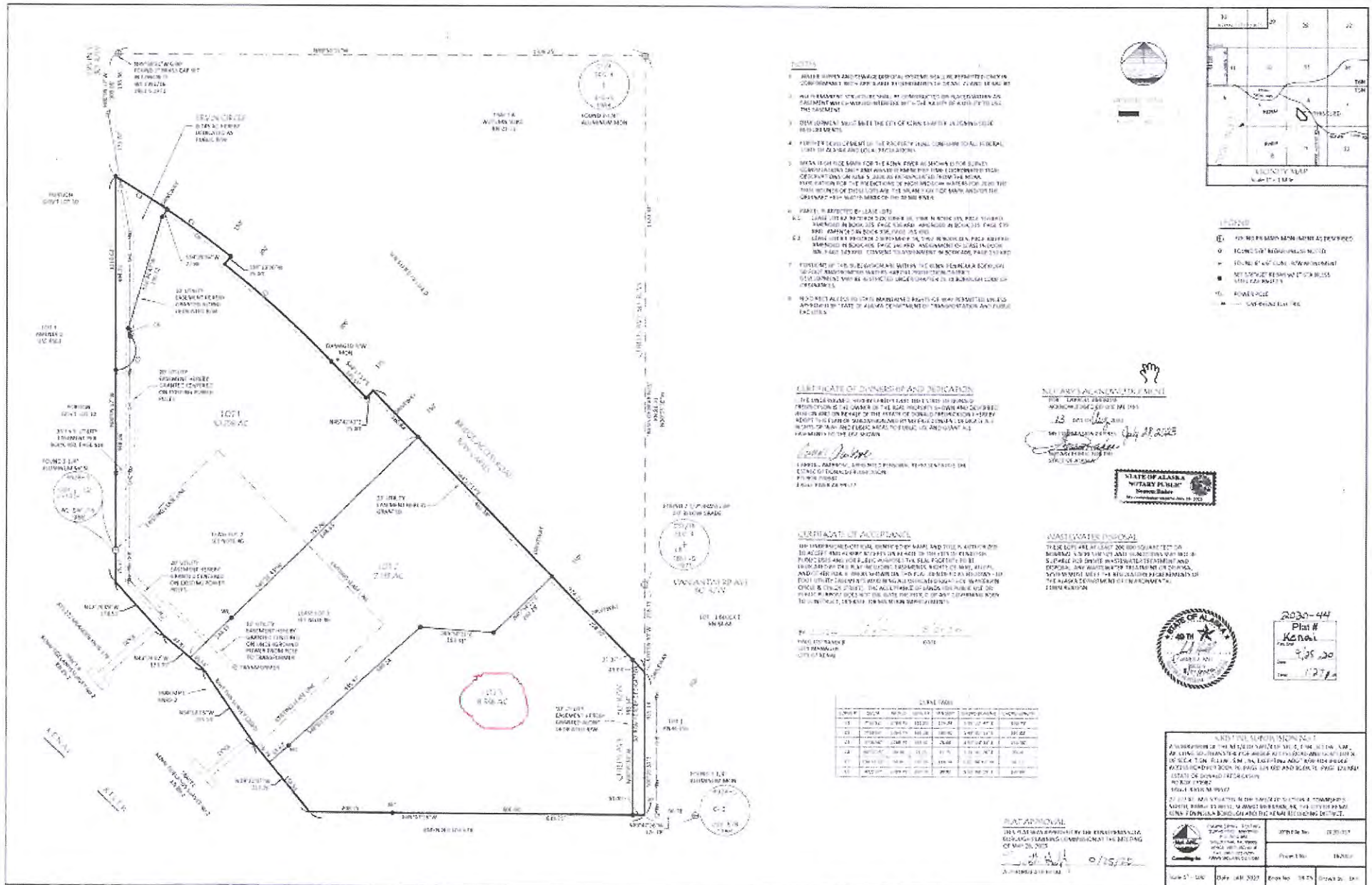
- The need to anchor root balls using steel cables are only short-term life expectancy due to the steel rusty/rotting away from salt water.
- Very un-sightly install due to future movement from wave action (wanting to float) and not being able to vegetate except about the 25'2" HHW mark.
- Roots will be frozen in during winter, once thaw starts then the beach bank ice will lift the roots and either carry away or destroy any structural integrity placed to hold the roots (steel cables etc.). (We have photos showing the loss of several large singular rocks 3' to 4' in diameter from ice lifting and hauling off)
- Repairs are not easily accomplished due to using steel cables and sub-surface steel anchoring devices. [See photo 7A / 7B](#)
- Wood Rot due to salt water. [See photo # 7A / 7B](#)





#1-Project Location. Kenai Alaska,





#2A - Kristine Subd. Lots 1-2-3

Relative North







Yellow is face of Armour Rock install. Elevation is at 21' and 20' from MHW 19.1' mark.  
Green lines are property lines

50' HPD

Lot 3  
Kristine Subd.  
Owner Jahrig

#3 - Lot 3 Overhead View of Armour Rock

Relative North





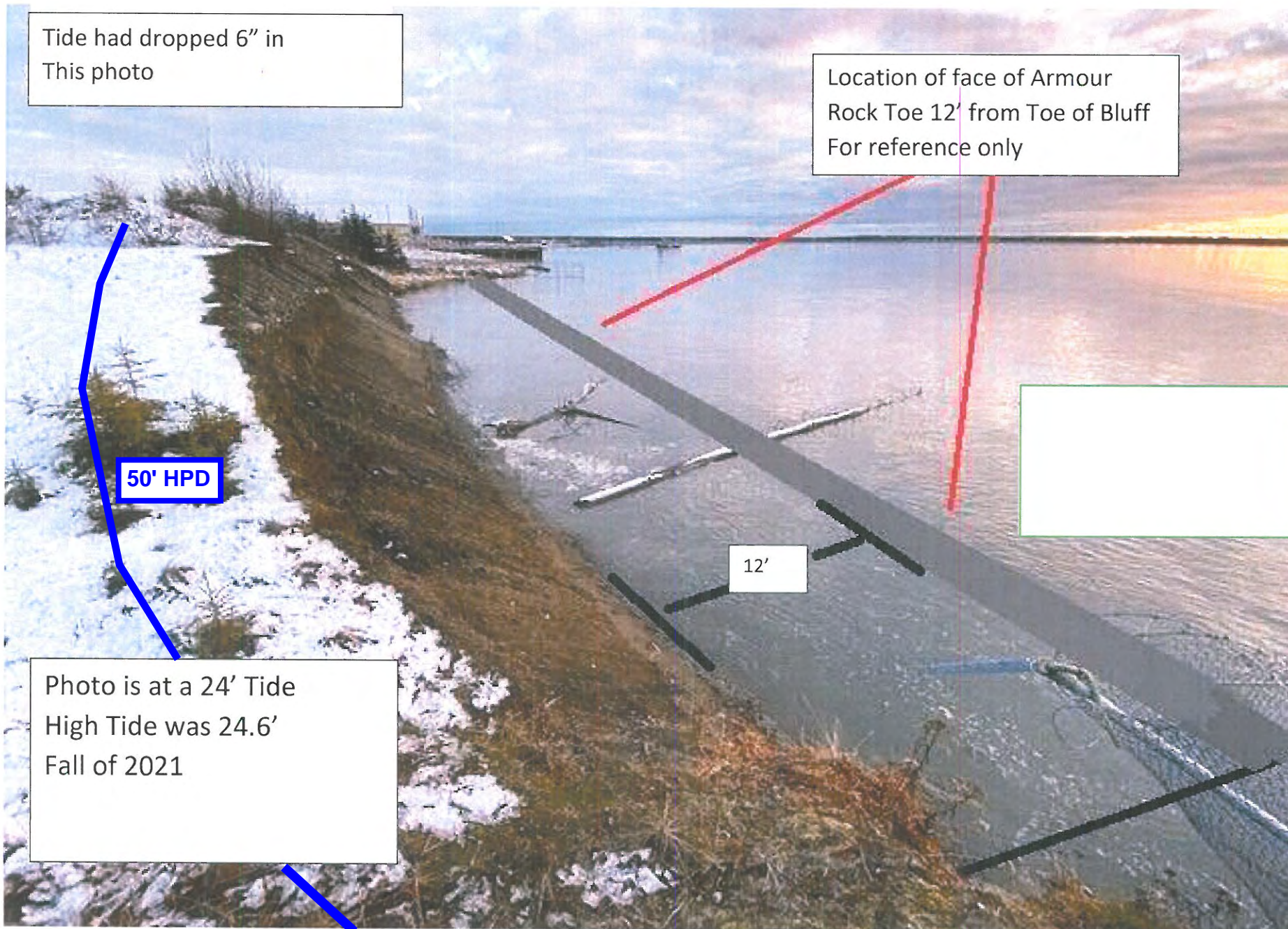


#4A-Photos of Proposed Rock Armour Rip Rap install with Mark-ups.  
This is for a reference only

Relative North







Tide had dropped 6" in  
This photo

Location of face of Armour  
Rock Toe 12' from Toe of Bluff  
For reference only

50' HPD

Photo is at a 24' Tide  
High Tide was 24.6'  
Fall of 2021

12'

#4B - Photo showing 24'6" High Tide during  
Fall of 2021

Relative North



24'-6" High Tide – Fall of 2021  
Notice 30" pipe is covered and the  
Water level at the  
Large ROCK

Large Rock

30" pipe on Port of  
Kenai (LLC) Property

#4C - Photo of 24'-6" High Tide Looking at Dragnet  
Property. Direction is Southeast

Relative North







Proposed Future Finished Armour Rock Appearance  
Shop/House is only for conceptual

#4D-Photo of Building and Armour Rock. Reference Only. Looking  
Northeast

  
Relative North





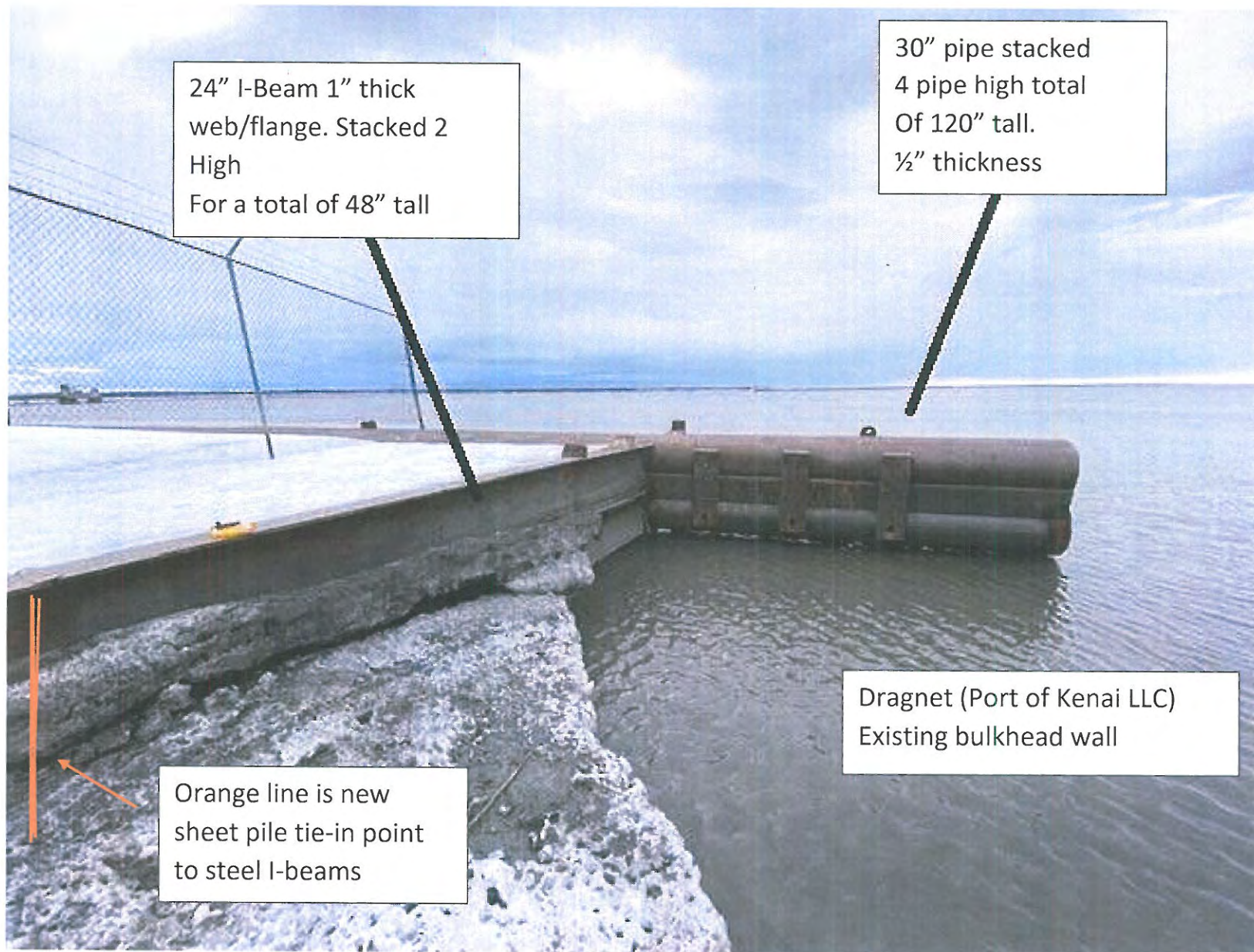
#5A - Proposed Finish Look like the above photo. Finish elevation to be 2.5' above the 25' HHW Mark. Notice the smaller rock at edge of grass. A layer of Geotextile will be under this fill area so to hold back erosion of fine soils.





#5B – Finish to incorporate small Willow shrubs and local natural beach grasses and other natural vegetation.





#6A - Existing Steel I-Beam and 30" Pipe Tie-In point. Looking Southwest





Photo of existing Dragnet 24" Heavy Flange I-Beam running from 30" Pipe Bulkhead into bank, length approximately 40' from 30" pipe. Red Line shows a reference only point for proposed Armour Rock Tie-in. View is to the N.E. toward Lot 3 new retaining wall.



#6B – Photo of existing Dragnet 24" Heavy Flange I-Beam running from 30" Pipe Bulkhead

Relative North





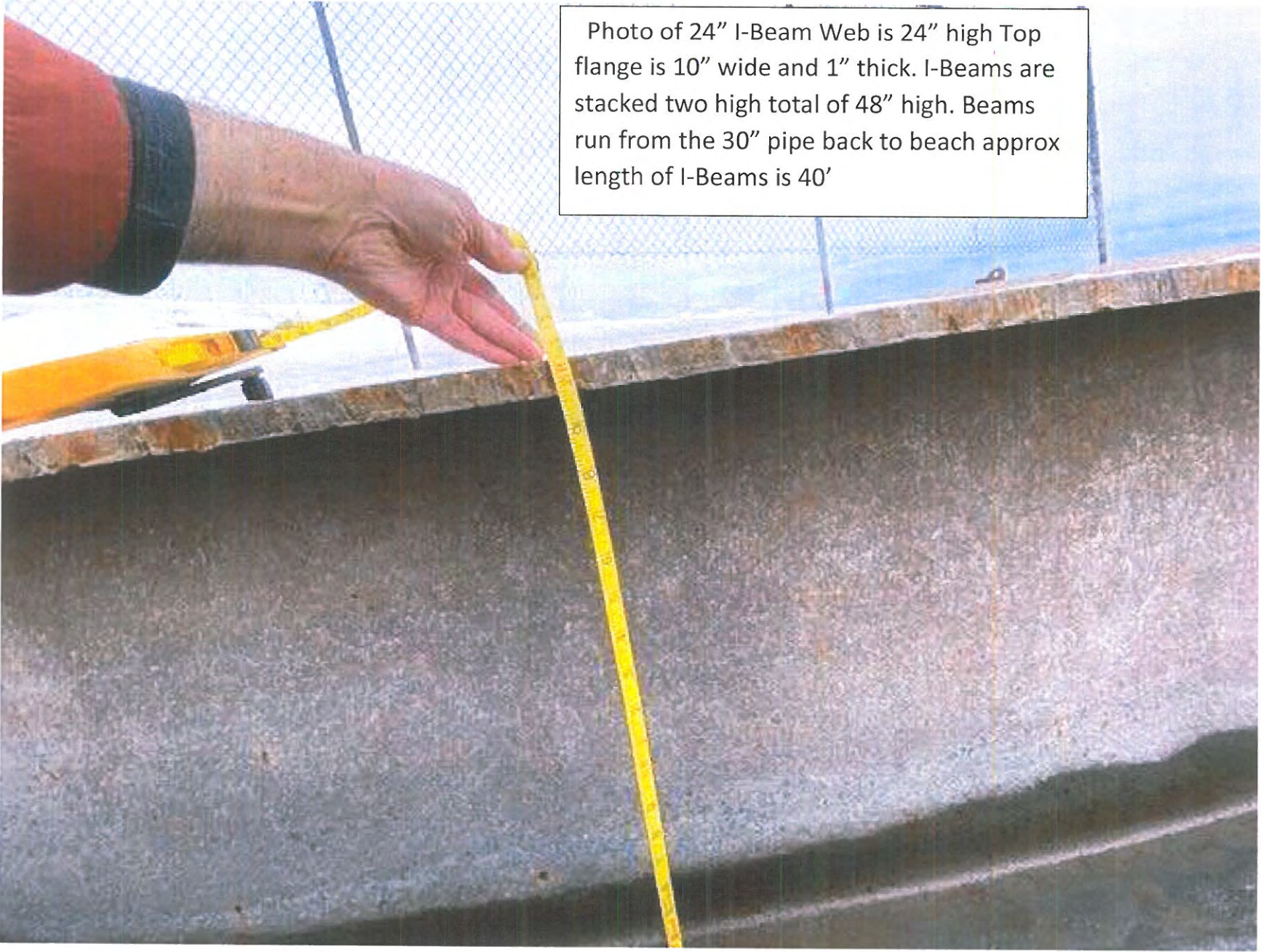


Photo of 24" I-Beam Web is 24" high Top flange is 10" wide and 1" thick. I-Beams are stacked two high total of 48" high. Beams run from the 30" pipe back to beach approx length of I-Beams is 40'

#6C - Photo of 24" I-Beam





Lot 2 Wood Gabion with Black Plastic  
Geo-Textile material used as large bags  
to hold sand/gravel for a bulkhead.  
This install is Failing

Yellow Line is Lot 2-3  
shared Property Line

#7A - Lot 2 wood gabion bulkhead with Geo Textile Bags

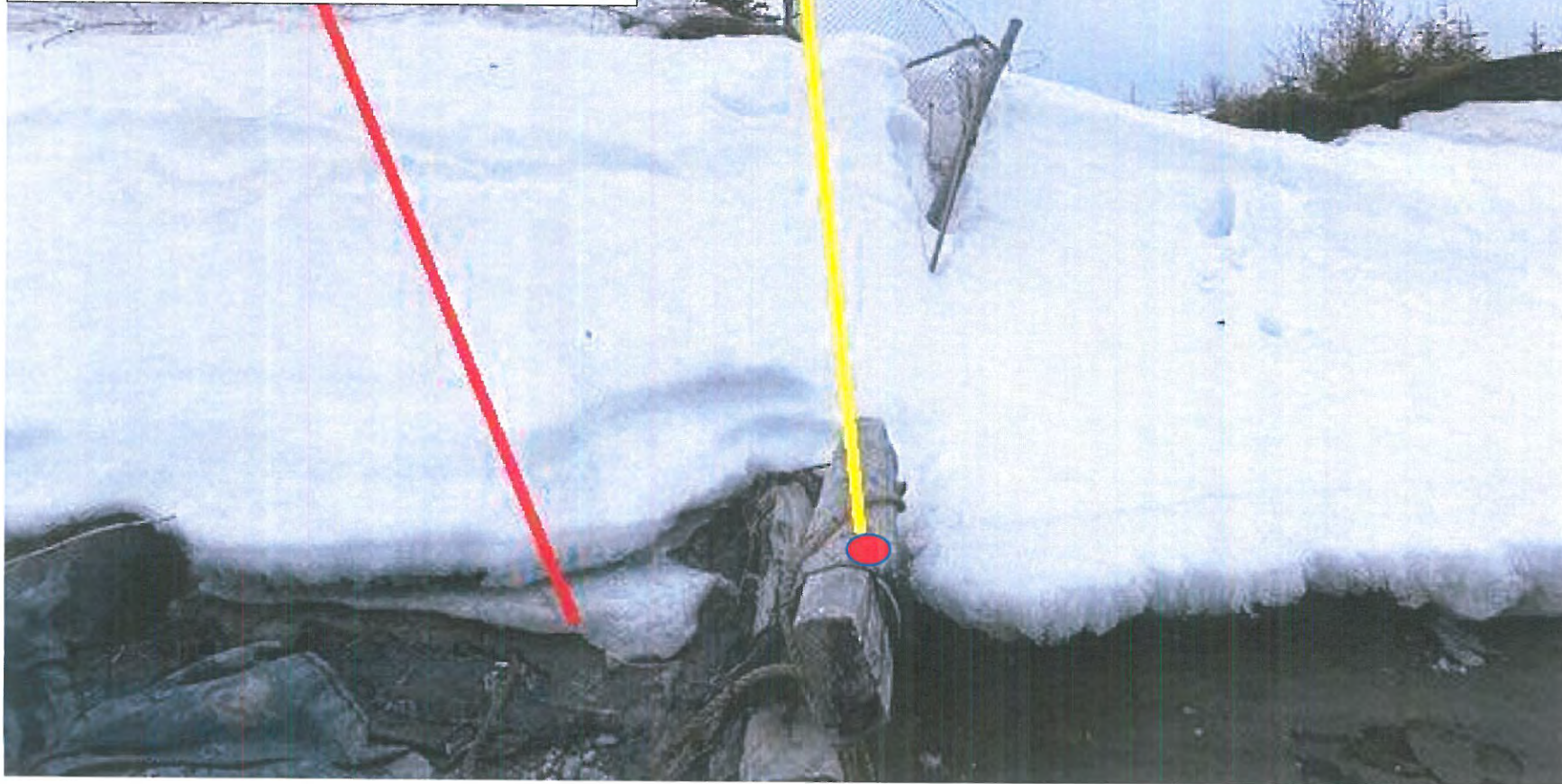




Wood gabion with black plastic Geo-Textile material used as large bags filled with sand/gravel. Wood gabion walls are failing allowing the black plastic to work its way into the river proper. It failed due to materials being washed out from under the wood crib along with substandard structural materials.

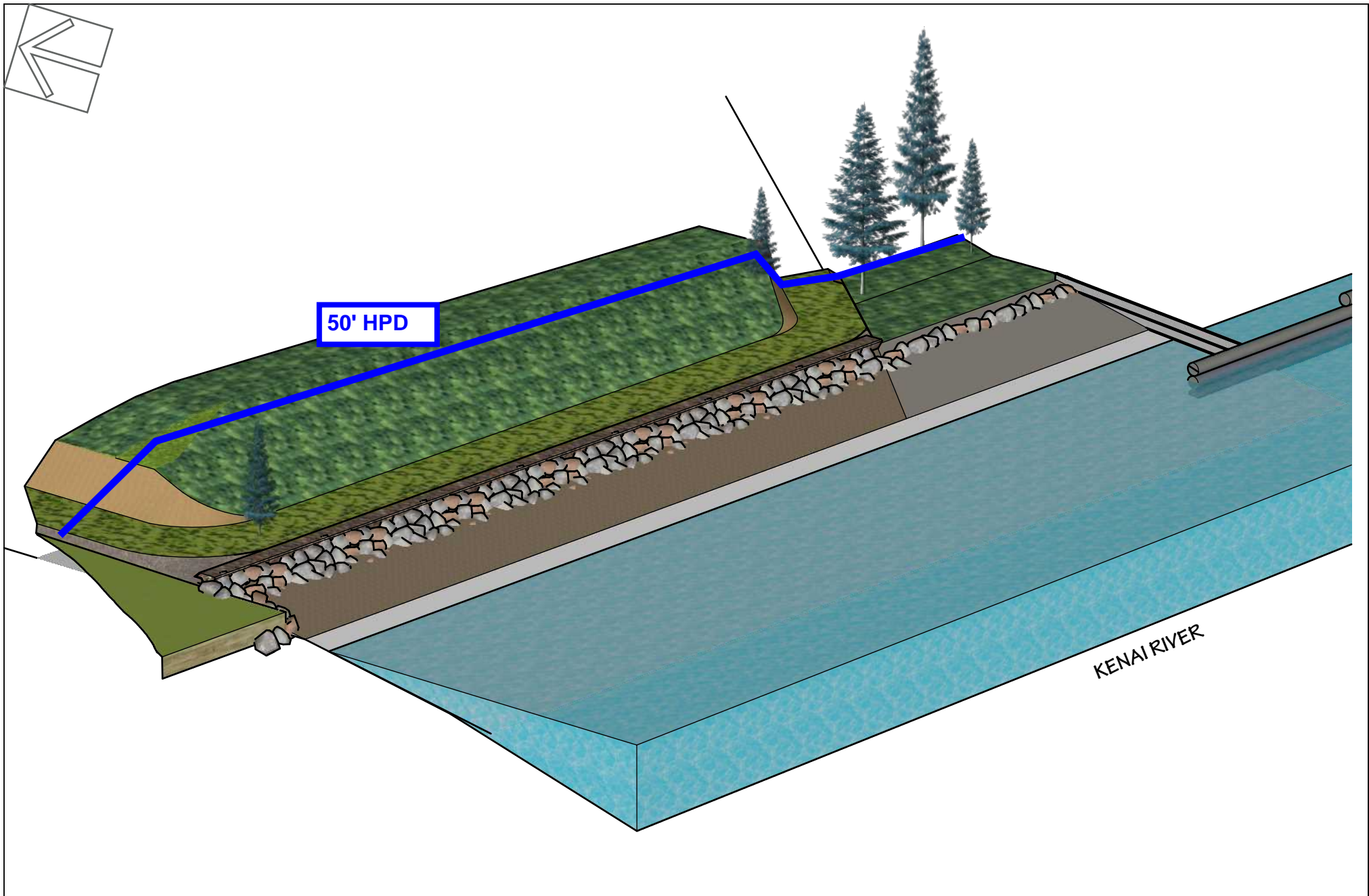
Yellow Line is Lot 2-3 shared Property Line

Red Dot is approx corner of property Lots 2-3 and is located at the Mean High Water (MHW) Mark of 19.1'



#7B- Lot 2-3 Property line and Corner Wood Gabion with Geo Tech Bags

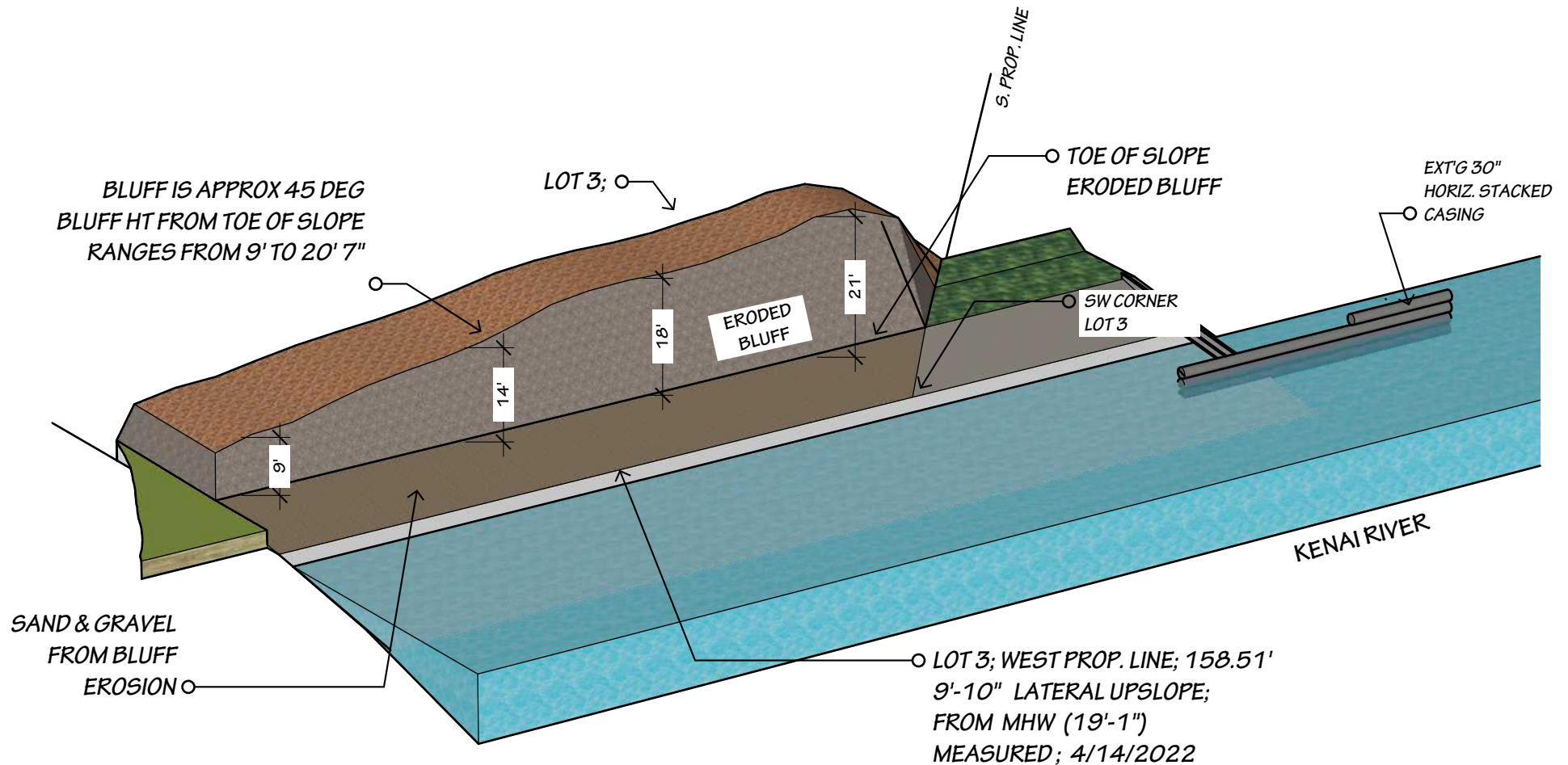




PROPOSED ROCK BLUFF PROTECTION  
PROJECT: KENAI RIVER  
NE PERPSECTIVE;  
NTS

JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

May 2, 2022



C-01  
1

## SITE OVERVIEW OF PROPOSED BANK EROSION REDUCTION PROJECT

NTS; NW PERSPECTIVE

EXT'G SITE OVERVIEW  
NW PERSPECTIVE; TOPOLOGICAL VIEW  
NTS

JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

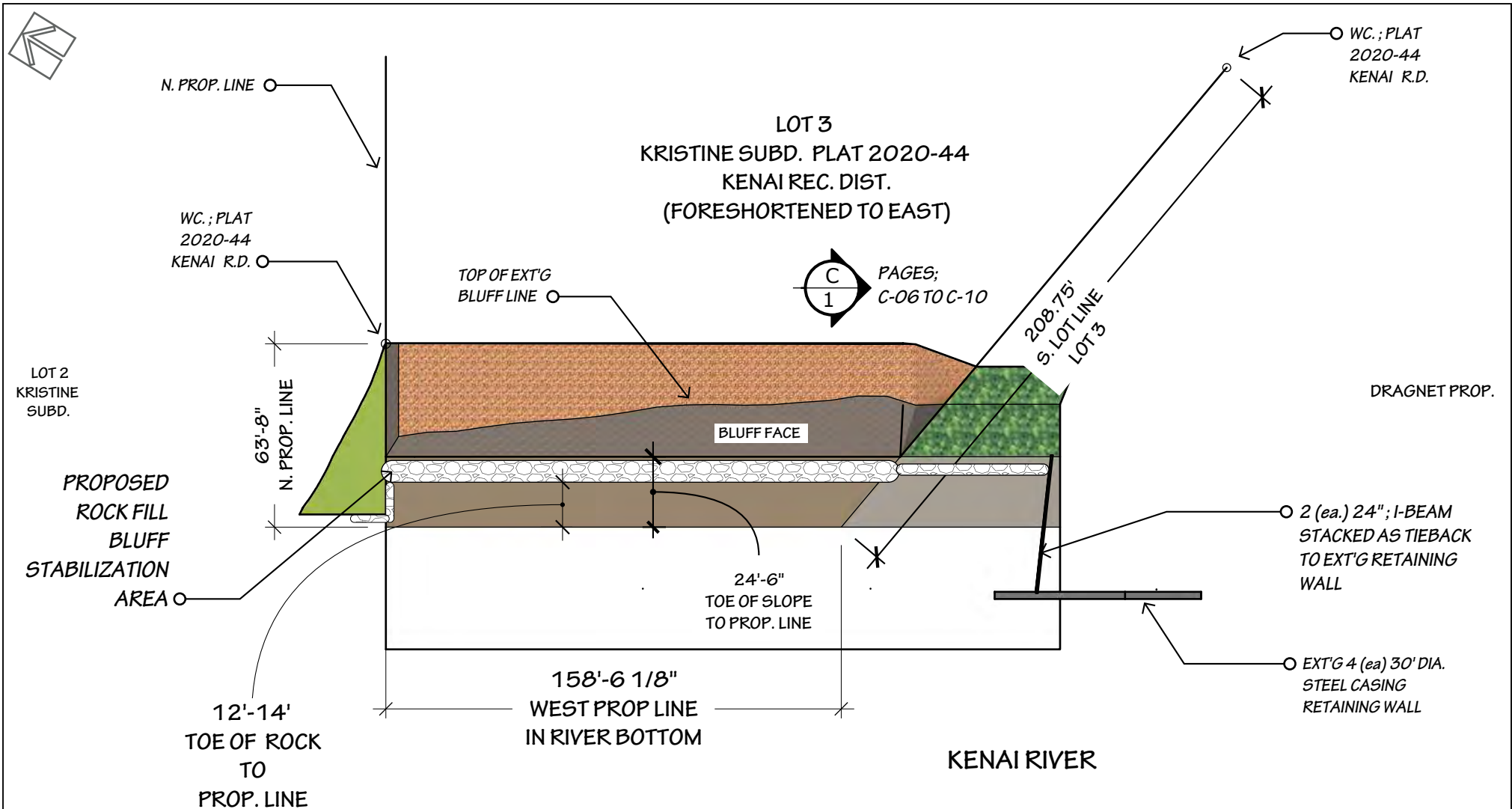
E2-29

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01

C





C-02  
1

## SITE OVERVIEW; LOT 3; PROPOSED ROCK FACING PROJECT LOCATION

PLAN VIEW; 1" = 50'-0"

EXT'G SITE OVERVIEW  
COLOR FILLS TO CLARIFY DWG  
PLAN VIEW

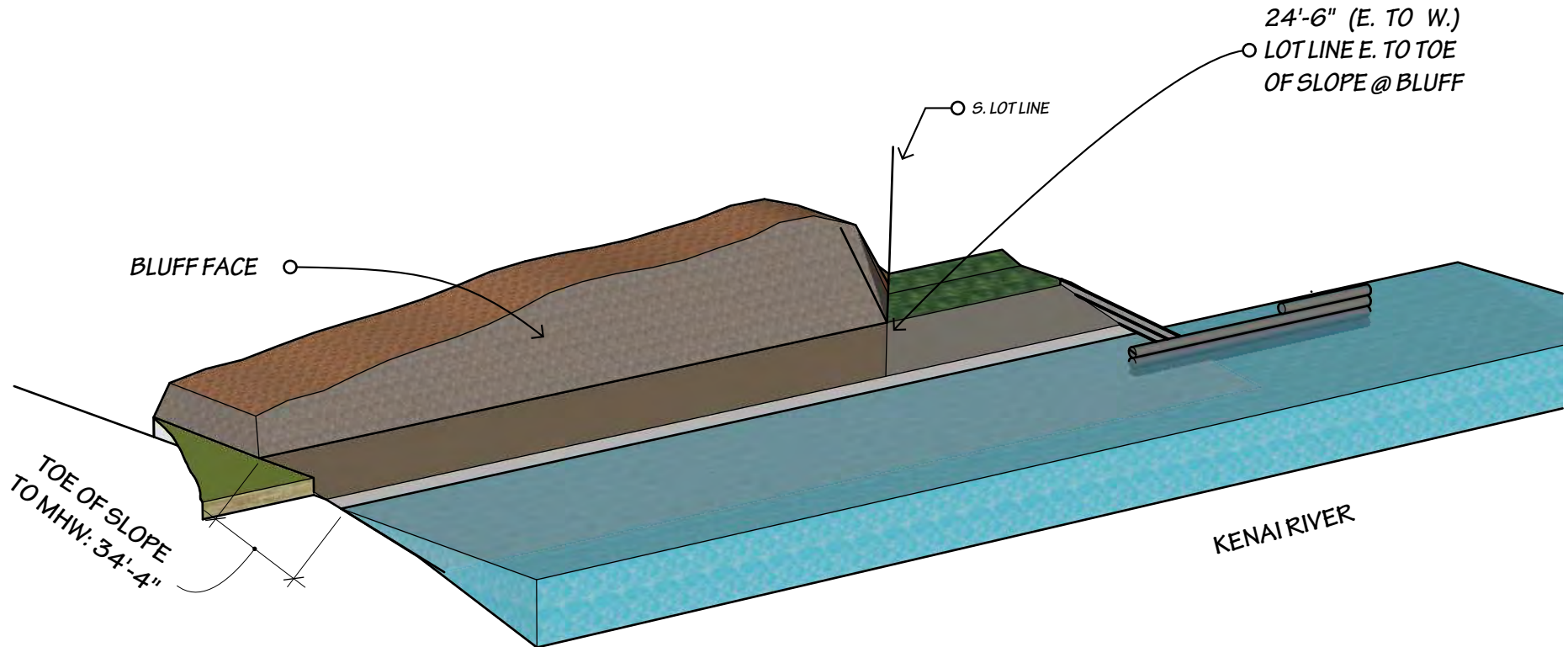
JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

### REVISIONS

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02

C



C-03  
1

## SITE OVERVIEW; TIDAL LEVEL; MEAN HIGH TIDE (19'-1")

NTS; PERSPECTIVE

EXT'G SITE OVERVIEW  
MEAN HIGH TIDE W. PROPERTY LINE  
NW PERSPECTIVE

JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

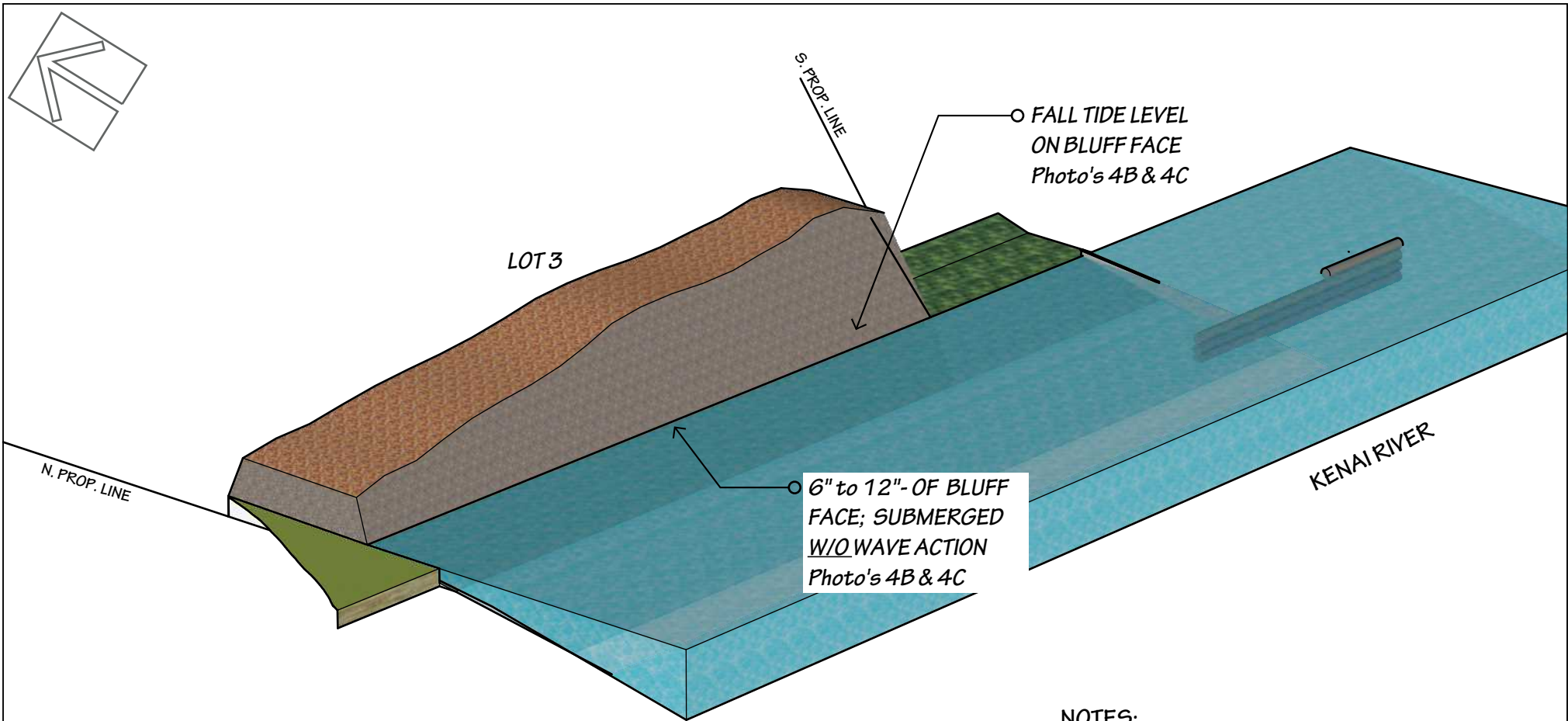
E2-31

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03

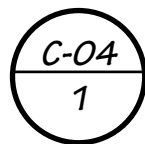
C





NOTES;

1. NO WAVE ACTION IS SHOWN IN EROSION OF BLUFF FACE.
2. FALL TIDES WITH SW. WIND CAN ERODE MORE THAN 6" to 12" SHOWN



SITE OVERVIEW; TIDAL LEVEL; [FALL] HIGH HIGH WATER (25'-2" TYP.)

NTS; PERSPECTIVE

PROJECT EXT'G SITE OVERVIEW  
FALL; HIGH HIGH TIDE; 25'-2"  
AT BLUFF FACE  
NW PERSPECTIVE

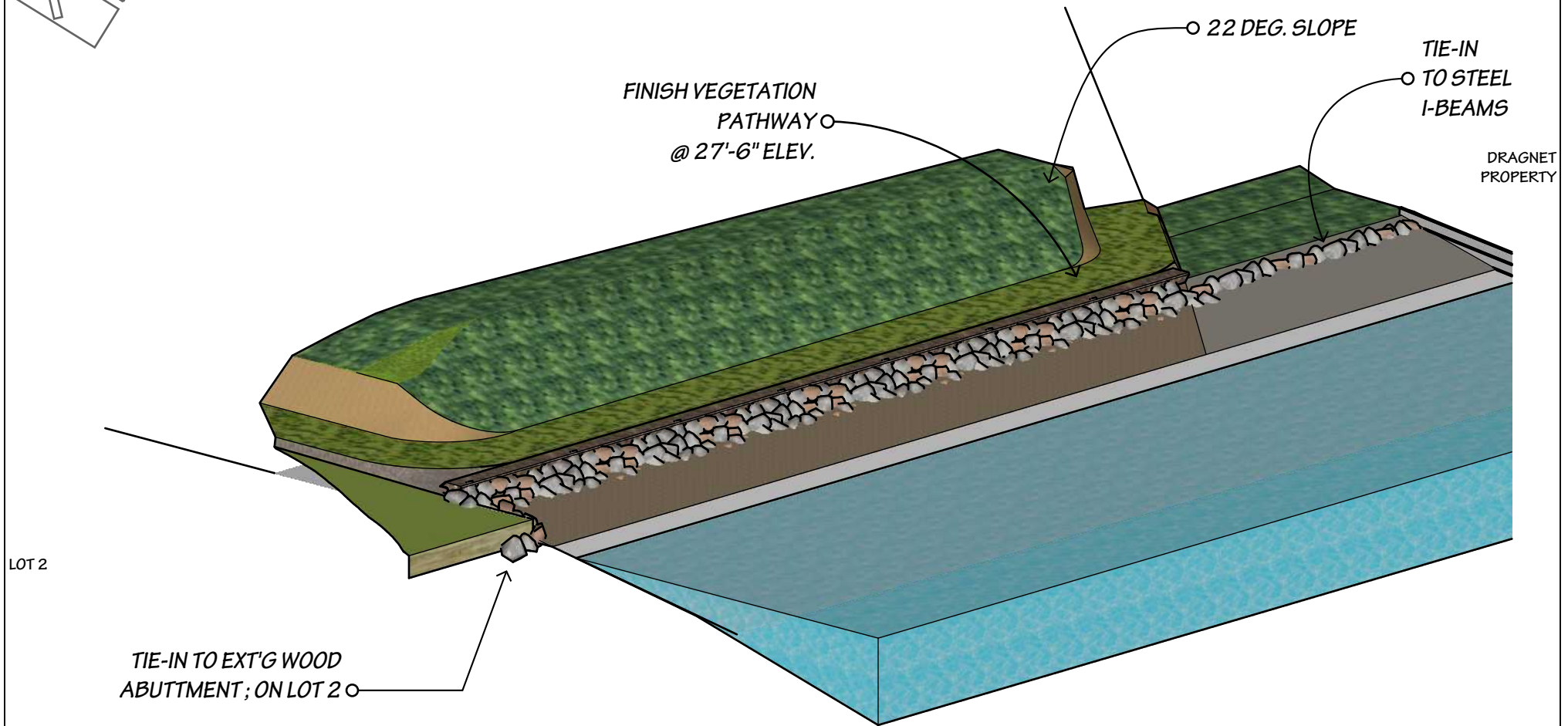
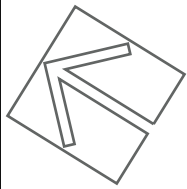
JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

E2-32

REVISIONS		
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04

C



C-05  
1

## SITE OVERVIEW; LOT 3; PROPOSED FINAL BLUFF EXCAVATION & RESEED W ROCK

NTS; PERSPECTIVE

### PROJECT SITE OVERVIEW

JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

E2-33

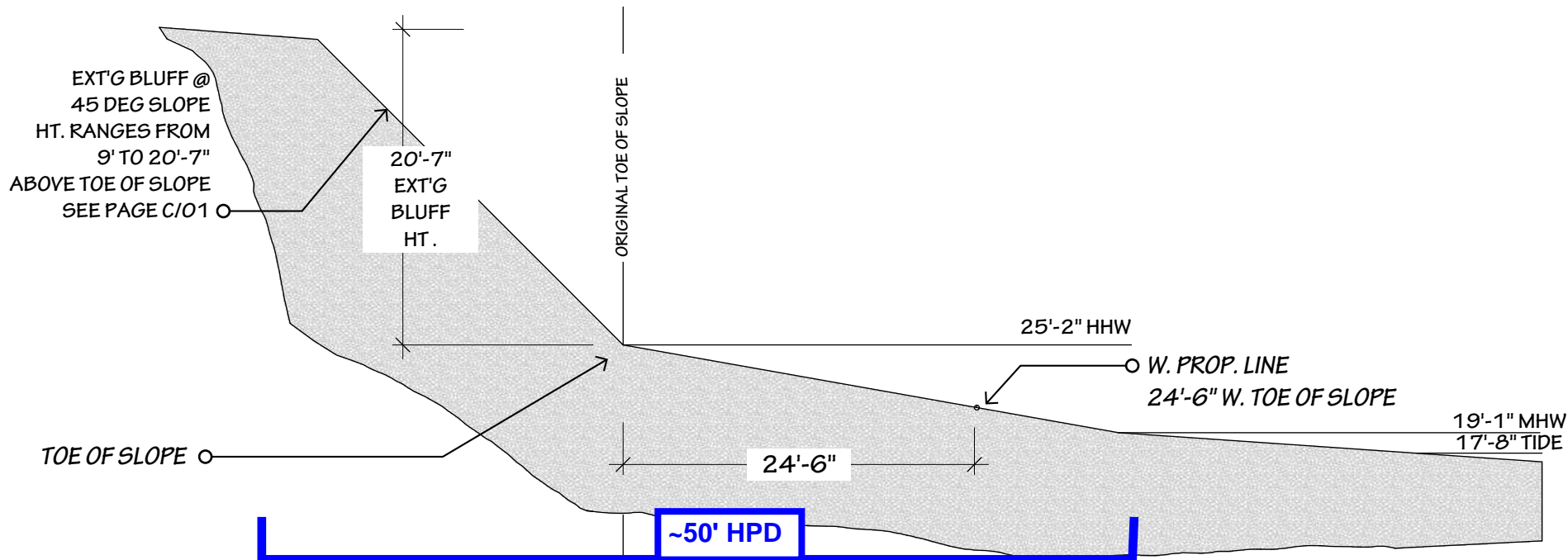
#### REVISIONS

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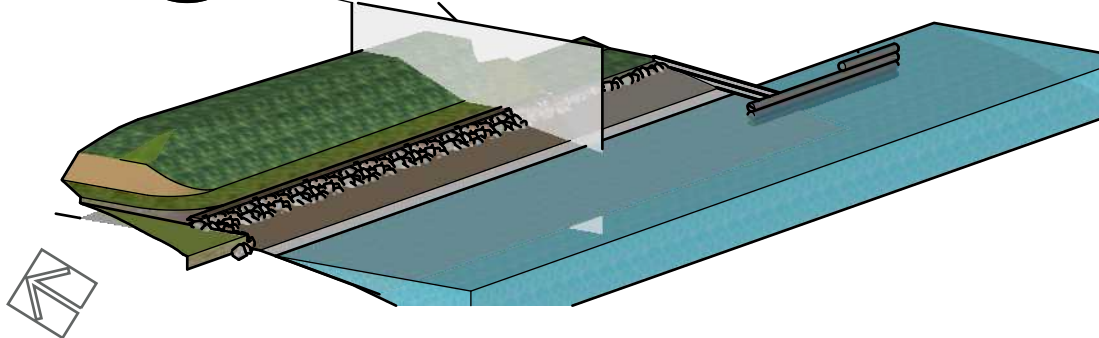
C 05

C





C-06  
1 SECTION; LOT 3; ORIGINAL CROSS SECTION OF SITE @ RIVER  
ELEV. 3/32"=1'-0"



C-06  
2 SITE OVERVIEW; LOT 3; LOCATION OF CROSS SECTION OF SITE  
NTS; PERSPECTIVE; NW VIEW

PROJECT SITE OVERVIEW  
SECTION OF ORIGINAL BLUFF

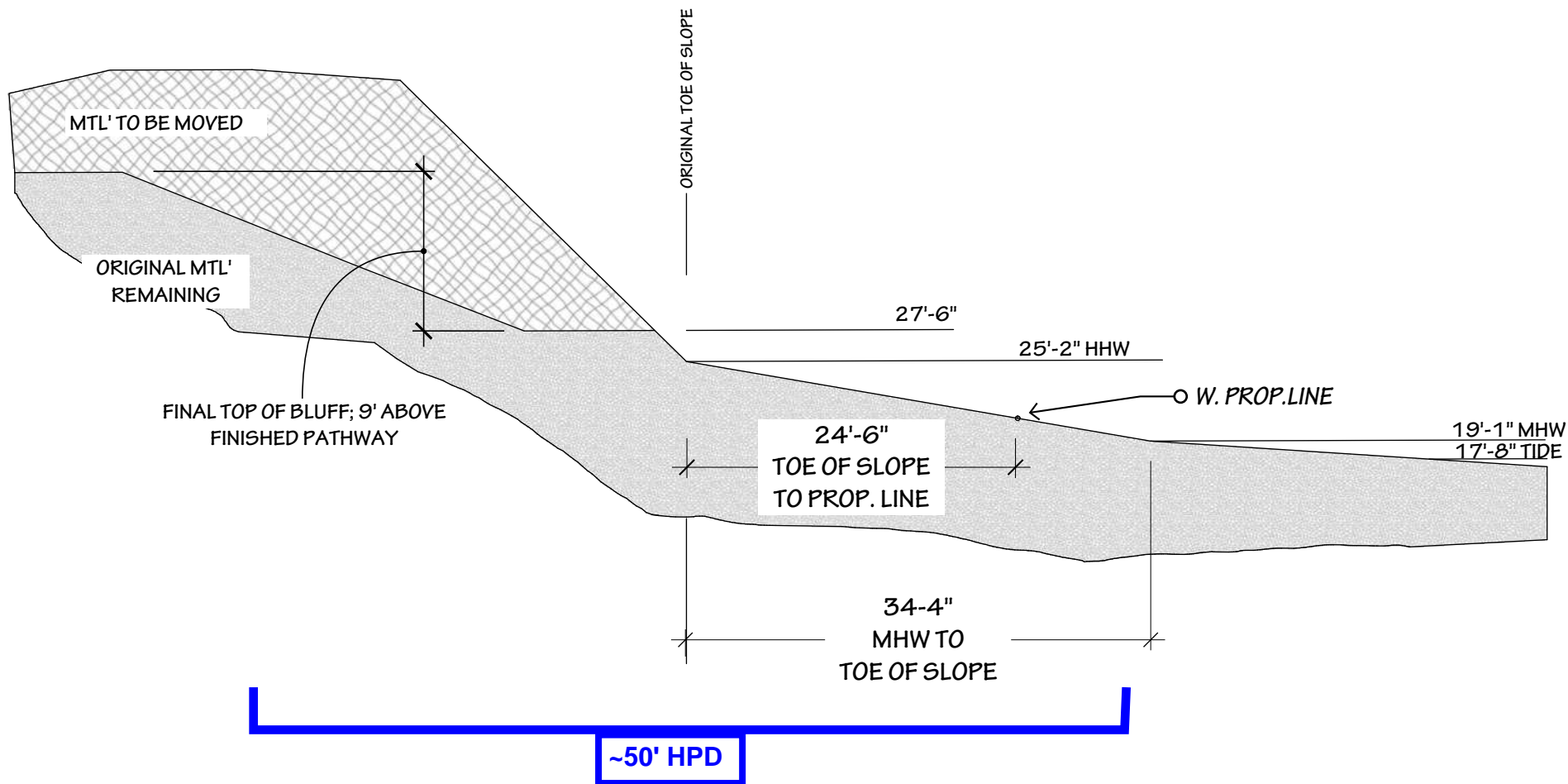
JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

E2-34

REVISIONS		
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06

C



C-07  
1

SITE SECTION; E. x W. THROUGH BLUFF FACE & EXT'G BEACH OF LOT 3

NTS

CROSS SECTION; MT'L MOVED FROM  
EXT'G BLUFF  
SECTION VIEW

JAHRIK PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

E2-35

REVISIONS

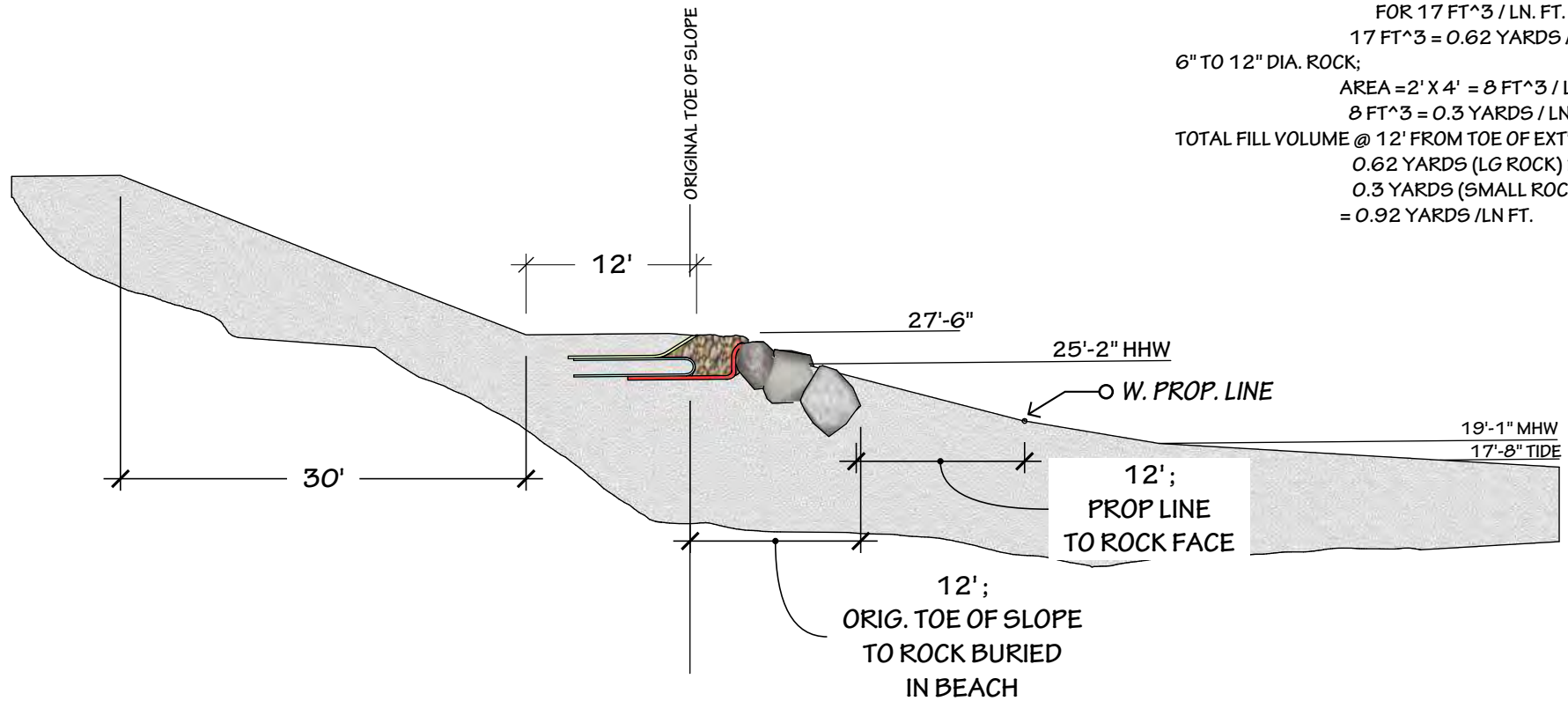
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70

C



3' TO 4' DIA. ROCK;  
 AREA =  $3.5' \times 8' = 28 \text{ FT}^2 / \text{LN. FT.}$   
 LESS 40% FOR IRREG. ROCK  
 FOR  $17 \text{ FT}^2 / \text{LN. FT.}$   
 $17 \text{ FT}^2 = 0.62 \text{ YARDS} / \text{LN. FT.}$   
 6" TO 12" DIA. ROCK;  
 AREA =  $2' \times 4' = 8 \text{ FT}^2 / \text{LN. FT.}$   
 $8 \text{ FT}^2 = 0.3 \text{ YARDS} / \text{LN. FT.}$   
 TOTAL FILL VOLUME @ 12' FROM TOE OF EXT'G SLOPE:  
 0.62 YARDS (LG ROCK) PLUS  
 0.3 YARDS (SMALL ROCK)  
 = 0.92 YARDS / LN. FT.



**C08**  
**1** NTS  
 SITE SECTION; E. x W. THROUGH (proposed) BLUFF FACE, ROCK & BEACH

PROPOSED ROCK LOCATIONS  
 SECTION VIEW

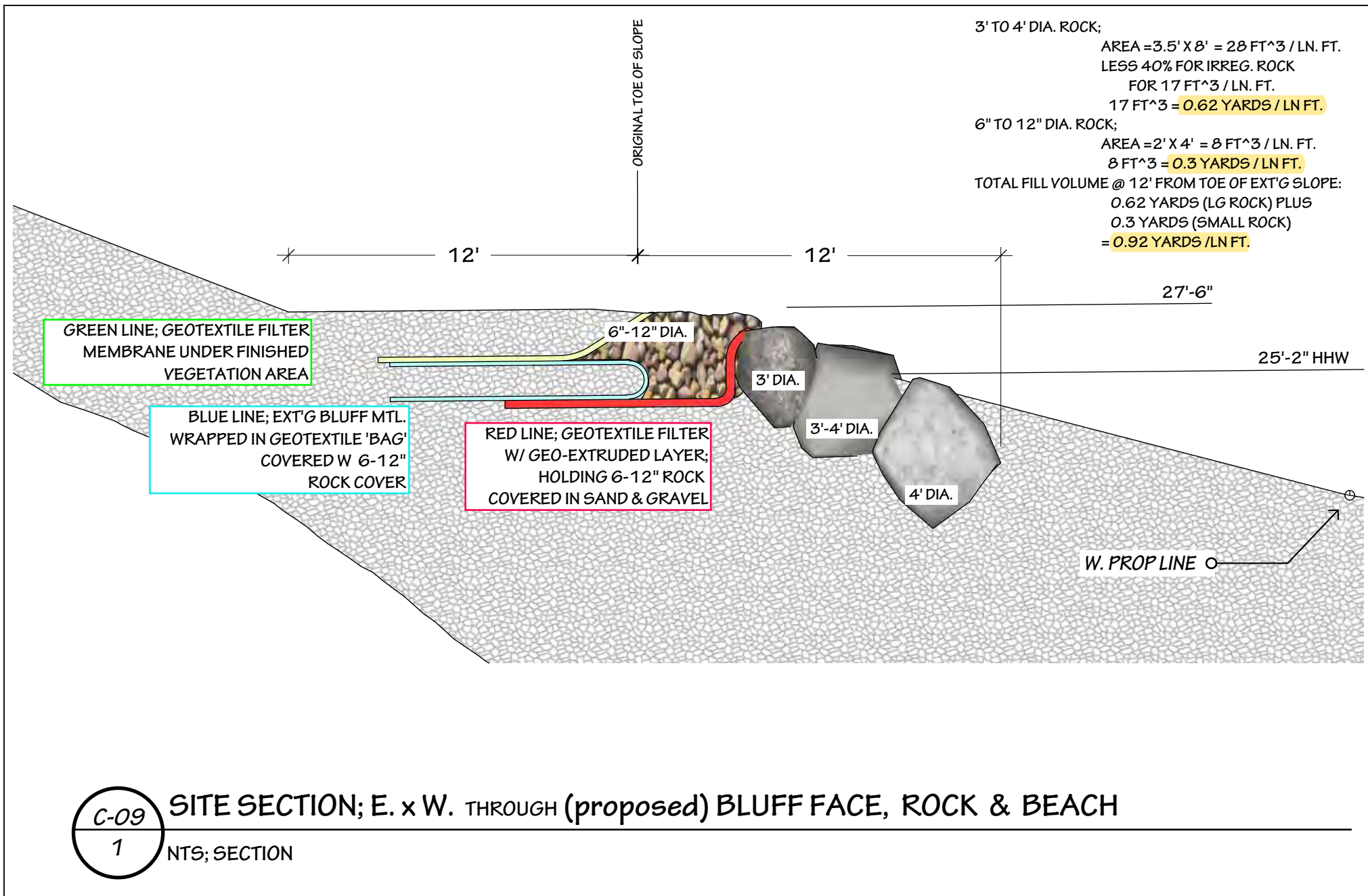
JAHRIK PROPOSED ROCK FACING PROJECT  
 KRISTINE SUBD. LOT 3  
 PLAT 2020-44 KENAI REC. DIST.  
 992 BRIDGE ACCESS ROAD  
 KENAI, AK

E2-36

REVISIONS		
	MM/DD/YY	REMARKS
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80

C



PROPOSED ROCK; LOCATION & SIZES  
SECTION VIEW

JAHRIK PROPOSED ROCK FACING PROJECT  
 KRISTINE SUBD. LOT 3  
 PLAT 2020-44 KENAI REC. DIST.  
 992 BRIDGE ACCESS ROAD  
 KENAI, AK

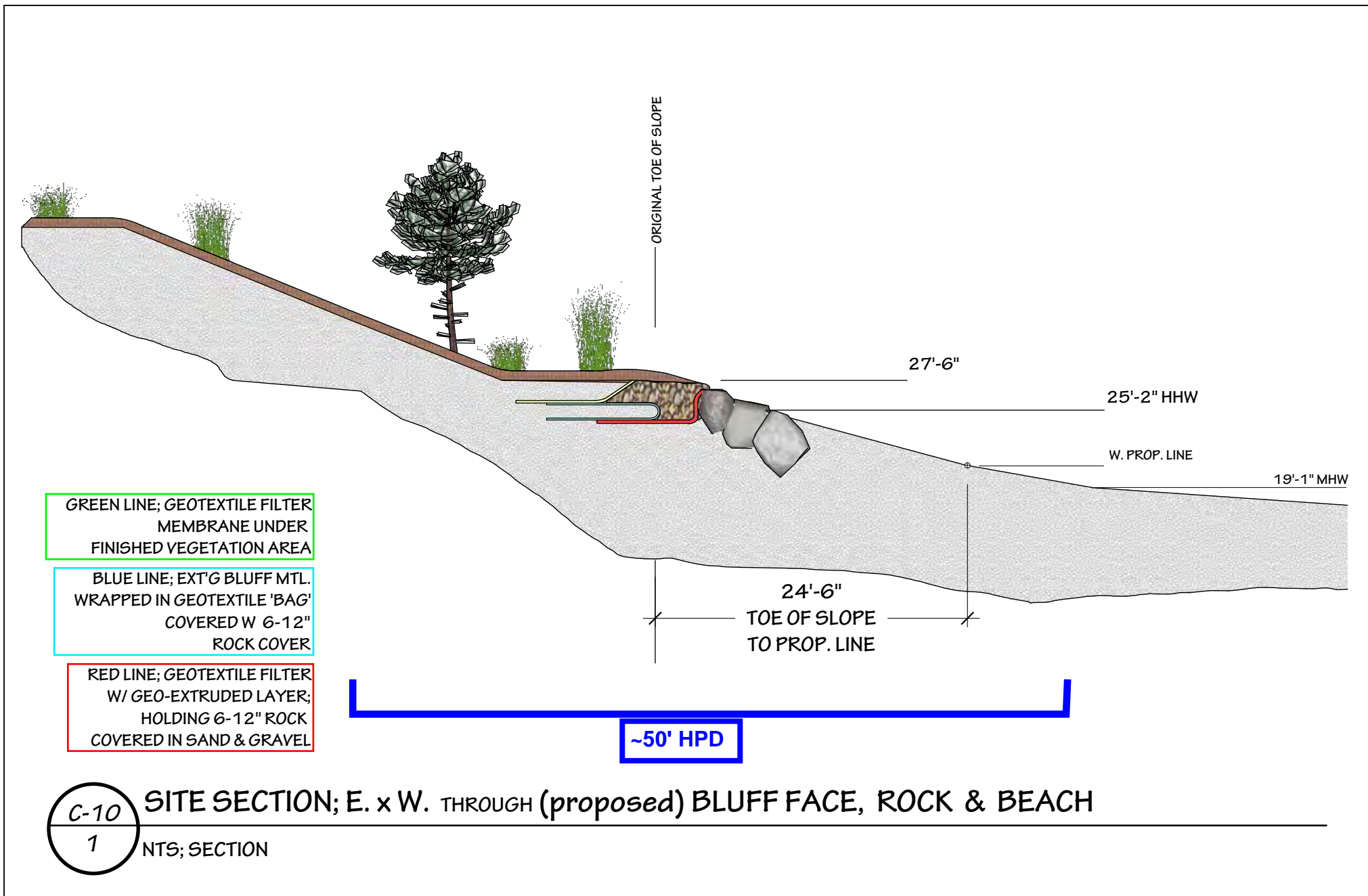
E2-37

REVISIONS		
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09

C





PROPOSED ROCK LOCATION SITE RESEED SECTION VIEW	JAHRIK PROPOSED ROCK FACING PROJECT KRISTINE SUBD. LOT 3 PLAT 2020-44 KENAI REC. DIST. 992 BRIDGE ACCESS ROAD KENAI, AK	REVISIONS		10
		MM/DD/YY	REMARKS	
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E2-38			C	

LOT 3  
BLUFF FACE  
NEW GRADE  
TOP SOIL &  
NATIVE VEGETATION

S. PROP. LINE

KENAI RIVER

PROJECT SITE OVERVIEW  
FINISHED GRADE W/ROCK & PLANTS  
NW PERSPECTIVE

JAHIRIG PROPOSED ROCK FACING PROJECT  
KRISTINE SUBD. LOT 3  
PLAT 2020-44 KENAI REC. DIST.  
992 BRIDGE ACCESS ROAD  
KENAI, AK

E2-39

REVISIONS

	MM/DD/YY	REMARKS
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# Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax

*A Division of the Planning Department*

Charlie Pierce  
Borough Mayor

## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application for a Conditional Use Permit has been received to perform bank stabilization on a parcel within the 50-foot Habitat Protection District of the Kenai River, near Kenai, Alaska. ***You have been sent this notice because you are a property owner within 300 feet of the described property.***

Pursuant to KPB 21.18.081(A) to allow special uses and KPB 21.18.071(A)(4) Bank protection measures, projects within the 50-foot Habitat Protection District are not permitted unless a Conditional Use Permit (CUP) is approved by the Planning Commission. This project is located at T 05N R 11W SEC 4 SEWARD MERIDIAN KN 2020044 KRISTINE SUB NO 1 LOT 3 Kenai, Alaska.

**Petitioner:** WILL AND BECKY JAHRIG  
PO BOX 51  
KENAI AK 99611

**Public Hearing:** The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on May 23, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099 or 1-877-853-5247**. When calling in you will need the Meeting ID **907 714 2200**.

**Public Comment:** Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, May 21, 2022.**

**Mail comments to:**

Donald E. Gilman River Center  
514 Funny River Road  
Soldotna, Alaska 99669

**Fax comments to:**

(907) 260-5992

**Email comments to:**

[planning@kpb.us](mailto:planning@kpb.us)  
[KenaiRivCenter@kpb.us](mailto:KenaiRivCenter@kpb.us)

For additional information, contact Samantha Lopez, [slopez@kpb.us](mailto:slopez@kpb.us), Donald E. Gilman River Center, (907) 714-2468.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Fish and Game

HABITAT SECTION  
Southcentral Region Office

514 Funny River Road  
Soldotna, Alaska 99669-8255  
Main: 907.714.2475  
Fax: 907.260.5992

### FISH HABITAT PERMIT FH22-V-0127

**ISSUED:** May 10, 2022  
**EXPIRES:** Lifetime of Structure

Will & Becky Jahrig  
PO Box 51  
Kenai, AK 99611

**RE: Bank Stabilization**

Kenai River – Stream No. 244-30-10010  
Section 4, T 5N, R 11W, S.M.  
Location: 60.5478° N, 151.2238° W  
Kenai Peninsula Borough Parcel No. 049-011-35  
River Center Tracking No. 12964

Dear Mr. and Mrs. Jahrig:

Pursuant to the anadromous fish act at AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Habitat Section, has reviewed your proposal to install approximately 300-feet of riprap revetment at the referenced location. The project will occur along the right bank of the Kenai River at river mile 1.5, Kristine Subdivision, Number 1, Lot 3.

#### **Project Description**

The rip rap revetment will be installed approximately 22-feet landward from the mean high water (MHW) mark. Large 4-foot diameter toe rocks will be placed 2 to 3-feet below the sand to anchor the rip rap installation. Behind these larger face rocks, a row of 3 to 4-foot diameter rocks will be placed, with smaller 3-foot diameter rocks placed behind these. Six to 12-inch diameter rock will be placed above the rip rap installation



over a geotextile filter to hold the smaller rock in place. A vegetated walkway and gradual bank slope will be established landward of the bank armoring. The rip rap will be tied to existing bank stabilization structures both upstream and downstream.

Willows and local beach grasses will be planted on top of the rip rap installation and the bluff to minimize erosion. All construction activities will occur above the MHW mark.

The River Center Multi-Agency Permit Application and associated attachments submitted on May 2, 2022, are hereby incorporated by reference into this project description.

### **Anadromous Fish Act**

The Kenai River has been specified as being important for the migration, spawning and rearing of anadromous fish pursuant to AS 16.05.871(a). The Kenai River provides migration, spawning and rearing habitat for Chinook, sockeye, pink, chum, and coho salmon and other species of resident fish.

In accordance with AS 16.05.871(d), project approval is hereby given subject to the project description, the following stipulations, and the permit terms:

1. ADF&G, Habitat Section shall be contacted at (907) 714-2475 three days prior to project initiation.
2. There shall be no tracked or wheeled equipment operated within the flowing waters of the Kenai River.
3. All construction activities shall be conducted to minimize disturbance to the riverbed and minimize the introduction of sediment, pollutants, and other material into the Kenai River.

### **Permit Terms**

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other state, federal, or local permits. You are still required to comply with all other applicable laws.



You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, it is recommended you consult the Habitat Section immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the project site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at [kaitlynn.cafferty@alaska.gov](mailto:kaitlynn.cafferty@alaska.gov).

Sincerely,

Doug Vincent-Lang  
Commissioner



*Tony Munter*

By: Tony Munter  
Kenai Peninsula Area Manager  
Habitat Section

cc: KRC File

By email only:

AWT Soldotna  
ADF&G Soldotna  
COE - KFO  
Al Ott, ADF&G Fairbanks

**KENAI PENINSULA BOROUGH PLANNING COMMISSION**

**RESOLUTION 2022-22**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE  
CONSTRUCTION OF A BANK STABILIZATION PROJECT 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 May 11, 2022 and May 19, 2022 as provided in Section 21.11.020; and
- WHEREAS,** public testimony was received at the May 23, 2022 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. Taper the bluff back, decreasing the angle from 45 degrees to 22 degrees.
2. Place approximately 4" of topsoil and plant natural vegetation along the new slope.
3. Toe-in three and four-foot-diameter boulders at the High-High Tide mark.
4. Backfill with 6-12-inch diameter rock and gravel, layered in geotextile fabrics.

**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(A), the proposed components may be approved as a conditional structure or use within the habitat protection district.
3. The KPB Planning Commission granted similar bank stabilization techniques on a nearby property through Resolution 2020-08.
4. This property is the only undeveloped land in this area of the river, and is bordered by impervious surfaces upstream and downstream, which have contributed to the erosion of this parcel.



5. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
6. 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.
7. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
8. Pursuant to KPB 21.18.071(A)(4) Bank protection measures, this project's intent is to preserve the bank and stabilize it against future erosion. Placing boulders at the toe of the bank will mitigate further erosion to the bluff, and allow the newly tapered bluff to be revegetated.
9. Pursuant to KPB 21.06.081(D)(3), the proposed structure shall not physically damage adjoining properties. The applicant was granted permission from both adjacent property owners, and will extend the revetment onto those properties in order to mitigate any damage from reflective wave energy and reduce any chance of back eddying.
10. Pursuant to KPB 21.18.020(D), one of the purposes of Chapter 21.18 is to provide a guide for growth and development along anadromous waters in accordance with Kenai Peninsula Comprehensive Plan and through protecting and enhancing real property values.
11. 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."*
12. On April 13, 2022, the River Center, the Alaska Department of Fish and Game, US Army Corps of Engineers, and US Fish and Wildlife staff met with the applicant to perform a site visit.
13. The River Center found the application complete and scheduled a public hearing for May 23, 2022.
14. Agency review was distributed on May 6, 2022. No comments or objections have been received from resource agencies.
15. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on May 9, 2022. A total of 9 mailings were sent. No comments or objections have been received.
16. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on May 11, 2022 and May 19, 2022.
17. 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 permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
3. 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.
4. Storage or use of fuel is prohibited within 50-feet of any open water.
5. The River Center shall be notified at least 3 days prior to the start of the project.

6. 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.
7. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
8. 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)).
9. 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).
10. 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.
11. 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)). The Alaska Department of Fish and Game issued a Fish Habitat Permit on May 10, 2022. Applicant is also working to obtain a permit from the US Army Corps of Engineers.

**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; **Findings 3, 4, 8, 9 and Conditions 1-3 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 1, 2, 5-11, and Condition 10 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 9 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 4, 8, 11 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 17 appears to support this standard.**



THIS CONDITIONAL USE PERMIT EFFECTIVE ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Blair Martin, 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 PLANNING COMMISSION

2020-08

A resolution granting approval of a Conditional Use Permit to install and maintain a bank stabilization project utilizing boulders within the 50-foot Habitat Protection District of Kenai River. This project is located in Section 10, Township 5N, Range 11W, SM, KN 2006096, Coyles Landing Subdivision Miller Replat, Lot 1-A, Kenai, AK.

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 April 2, 2020 and April 9, 2020 as provided in Section 21.11.020; and

WHEREAS public testimony was received at the April 13, 2020 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. Install 60 linear-feet of 3 to 4-foot diameter boulders above the MHT line of the Kenai River.
2. Backfill behind the boulders with rock, gravel, and topsoil.
3. Revegetate the filled area behind the boulders with native willow, alder and grass.

### **Section 2. Findings of fact pursuant to KPB 21.18.081 Conditional use permit**

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.080(A), the proposed components may be approved as conditional structures within the habitat protection district.
3. One of the purposes of Chapter 21.18 is to provide a guide for growth and development along anadromous waters in accordance with the Kenai Peninsula Comprehensive Plan and through protecting and enhancing real property values (KPB 21.18.020(D)).
4. Staff finds the proposed project is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents and borough code including the Kenai Peninsula Borough Coastal Management Plan.



5. Access to the site and all construction activities will occur on the applicant's parcels and should not have an adverse effect on neighboring properties.
6. The boulders, fill and revegetation will be used to help protect the toe of the eroding bluff from storm surges which undercut the bluff during high tides. '
7. 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.*
8. The River Center found the application complete and scheduled a public hearing for April 13, 2020.
9. Pursuant to KPB 21.11.030, public notice was mailed to property owners within a radius of 300 feet of the project on March 26, 2020. A total of 11 mailings were sent.
10. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on April 2, 2020 and April 9, 2020.
11. Agency review was distributed on March 11, 2020. No comments or objections have been received from resource agencies to date.
12. The applicant is currently in compliance with Borough permits and ordinances.

**Pursuant to 21.18.081(D), the following General 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;***
  - The placement of boulders within the Habitat Protection District represents the construction of an impervious surface. Boulders do not have any value for filtering ground or surface water pollution.
  - Within the footprint of the boulders, riparian vegetation will be unable to reestablish itself.
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;***
  - **Finding 2** - Pursuant to KPB 21.18.080(A), the proposed components may be approved as conditional structures within the habitat protection district.
  - **Finding 3** - One of the purposes of Chapter 21.18 is to provide a guide for growth and development along anadromous waters in accordance with the Kenai Peninsula Borough Comprehensive Plan and through protecting and enhancing real property values (KPB 21.18.020(D)).
  - **Finding 4** - Staff finds the proposed project is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents

and borough code including the Kenai Peninsula Borough Coastal Management Plan.

- **Finding 8** - The River Center found the application complete and scheduled a public hearing for March 23, 2020.
  - **Finding 9** - Public notice was mailed to property owners within a radius of 300 feet (KPB 21.11.030) of the project on March 3, 2020. A total of 11 mailings were sent.
  - **Finding 10** - Public notice was published in the *Peninsula Clarion* (KPB 21.11.020) on March 12, 2020 and March 19, 2020.
  - **Finding 11** - Agency review was distributed on March 11, 2020. No comments or objections have been received from resource agencies to date.
3. ***The development of the use or structure shall not physically damage the adjoining property;***
- **Finding 5** - Access to the site and all construction activities will occur on the applicant's parcels and should not have an adverse effect on neighboring properties.
4. ***The proposed use or structure is water-dependent;***
- **Finding 6** – The boulders, fill and revegetation will be used to help protect the toe of the eroding bluff from storm surges which undercut the bluff during high tides.
  - **Finding 7** - 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*
5. ***Applicant's or owner's compliance with other borough permits and ordinance requirements.***
- **Finding 12** - The applicant is currently in compliance with Borough permits and ordinances.

### **Section 3. Permit Conditions**

1. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation. Construction techniques and best management practices (BMP's) shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The permittee shall revegetate all bare soils within the project area with willows or alders and native grasses upon completion of the construction.



3. The cleared access trail will be allowed to naturally revegetate and will be reseeded with native grasses if natural revegetation is unsuccessful.
4. Heavy equipment used in this project within the habitat protection district shall operate from construction mats.
5. Fuel storage within the habitat protection district is not allowed.
6. For each tree removed, two shall be planted within the 50-foot Habitat Protection District.
7. The River Center shall be notified at least 3 days prior to the start of the project.
8. 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.
9. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
10. 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)).
11. 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 days written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
12. 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.
13. 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. Decision:**

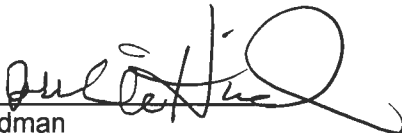
The Kenai Peninsula Borough Planning Commission authorizes the issuance of a Conditional Use Permit to install and maintain a bank stabilization project utilizing boulders within the 50-foot Habitat Protection District of Kenai River as described in Section 1 subject to the adopted conditions in Section 3.

THIS CONDITIONAL USE PERMIT IS EFFECTIVE ON THIS 13<sup>th</sup> DAY OF April, 2020.

\_\_\_\_\_  
Blair Martin, Chairperson  
Planning Commission

ATTEST:



  
Julie Hindman  
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.**