

E. NEW BUSINESS

1. Conditional Use Permit; PC Resolution 2026-36

Applicant/Owner: Cole

Request: Place road & bridge within the 50' Habitat Protection District of an anadromous creek.

Location 67515 Silver Avenue

Anchor Point 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: Jack Cole & Kristel Cole
Mailing: P.O. Box 2642
Homer, Alaska 99603
Phone: (218) 684-1453 & (320) 815-2394
Email: kristel.kizer@gmail.com & cole1jack@gmail.com

AGENT: (if applicable)

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

PROJECT LOCATION:

KPB Parcel ID: 17101004
Physical Address: 67515 Silver AVE
Subdivision: _____
Lot: _____ Block: _____ Addition/No.: _____

WATERBODY INFORMATION:

Waterbody: Two Moose Creek
River Mile: 2.25
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: _____ |

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

Please see attached

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	\$ _____

1. Start date: 7-1-2026 End date: 9-30-2026 Estimated Days of Construction: 15

2. Is any portion of the work already complete? If yes, please describe: ☐ Yes ☒ No

3. Is your project located on land or waters of an Alaska State Park? ☐ Yes ☒ No

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

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

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

a. Is this project within or adjacent to a regulatory floodway?

b. Is this project within or adjacent to a coastal high hazard zone?

c. For new buildings and/or additions, list all project costs (labor, materials, etc.): \$ 0

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: _____

11. Will you be using motorized equipment for this project? If yes, please list all equipment: ☒ Yes ☐ No
Cat 304 excavator , Bobcat T-76 skidloader

a. Will you be crossing a stream or waterbody? ☒ Yes ☐ No

b. How long will equipment be used below OHW or MHW? None

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.

Date _____

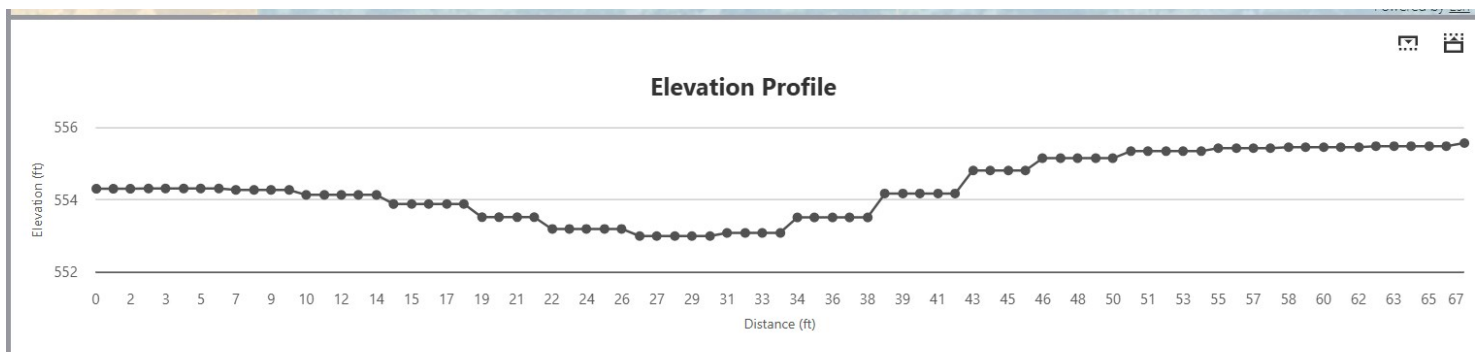
Proposed bridge construction over Two Moose Creek, on East end of parcel 17101004.



This section of the creek is mostly straight, without either a significant cut bank or point bar.



The distance between the ordinary high water (OHW) mark of each bank at this location is 2-3 feet. The elevation profile for this location is:



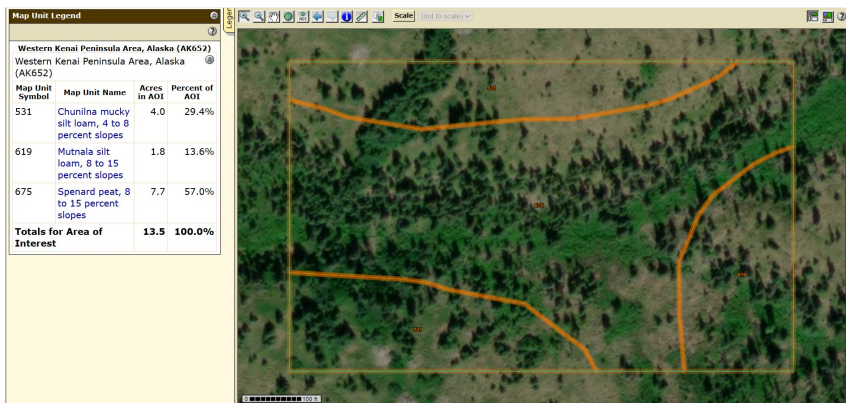
A bridge crossing of 13 feet allows for transport at 554 ft elevation from bank to bank. Any flooding above 554 ft elevation would constitute overland flooding; i.e. the floodplain is under the 554 ft elevation mark.

The proposed bridge that spans a length beyond the flood plain with a bridge crossing of 17—30 ft in length. This would allow the abutment to be placed 7—13 feet away from the OHW of each bank, which is outside of the flood plain..

There are no trees proposed to be removed in the 50-ft setback at this location for the construction of the trail and bridge. Should removal of a tree in the setback be determined to be necessary, the landowner will re-plant native trees in the 50-ft setback to replace any removed. It will be necessary to remove some of the alder brush on the South side of the creek. The landowner will replant equivalent native vegetation in the setback to account for its removal.

The trail leading to the bridge crossing is proposed to be 12 feet wide, and the bridge itself to be 8.5 ft wide.

Soil type present at proposed location of bridge is Spenard Peat (USGS.gov), which has a maximum allowable bearing stress of 500 PSF without stabilization.



The bearing stress of the proposed bridge structure presented is 390 PSF (2.7 PSI).

The proposed bridge platform is light penetrating with a distance of 17—30 feet in length and 8.5 ft wide.

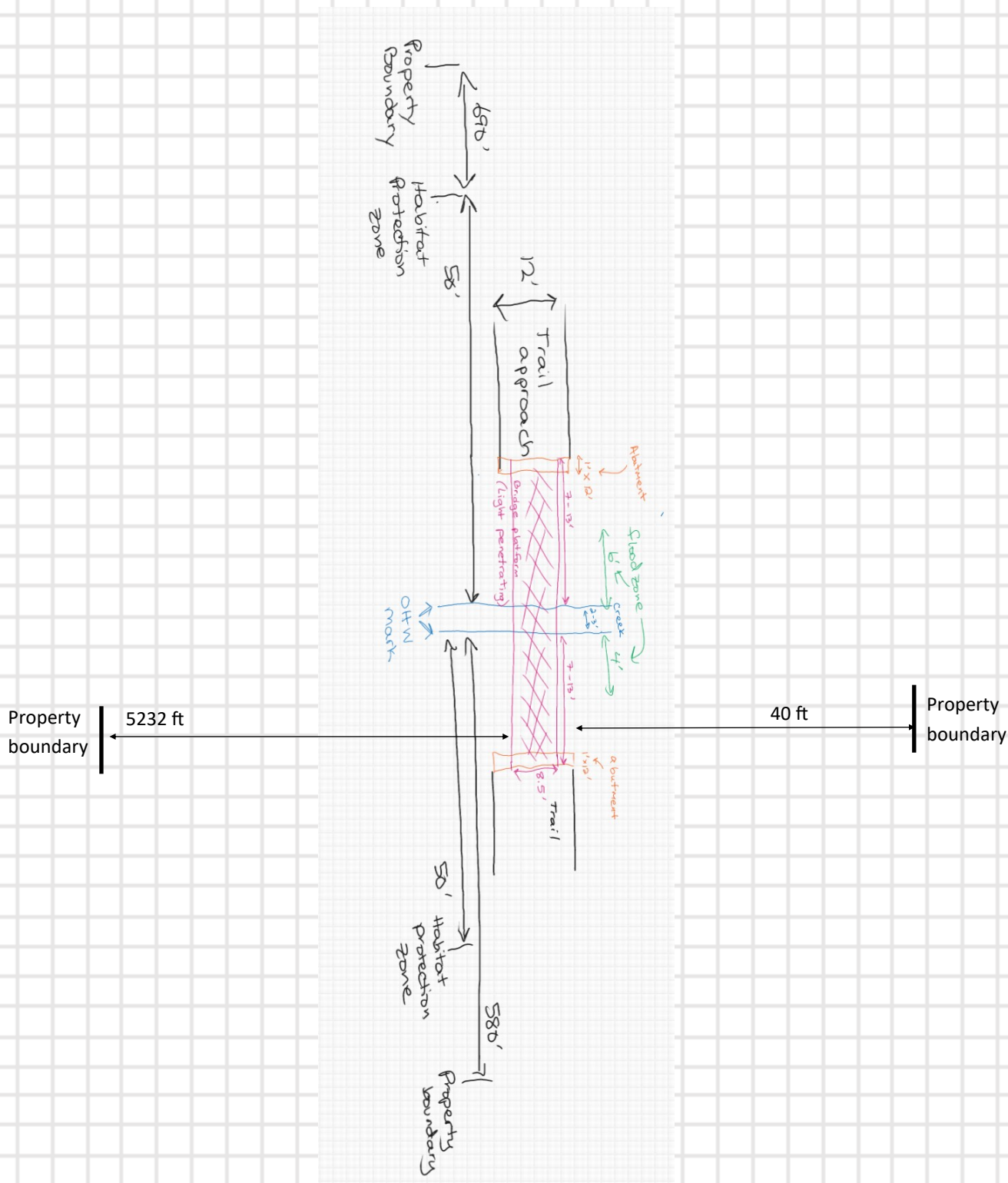
Project Drawings: Top View

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

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



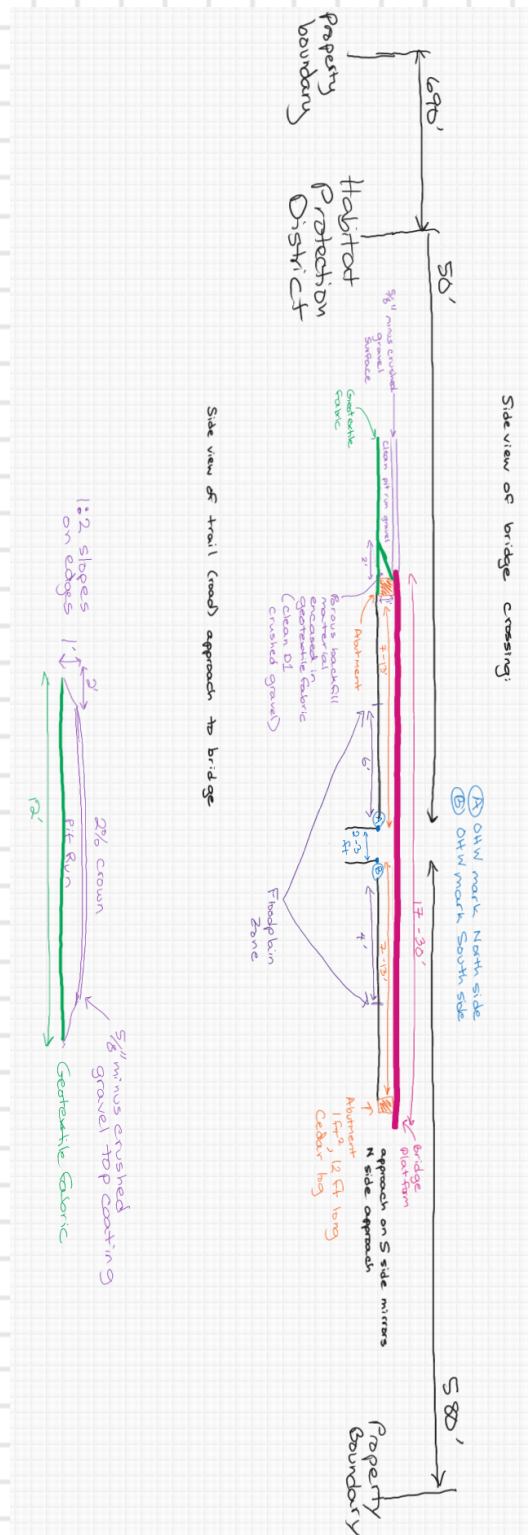
North

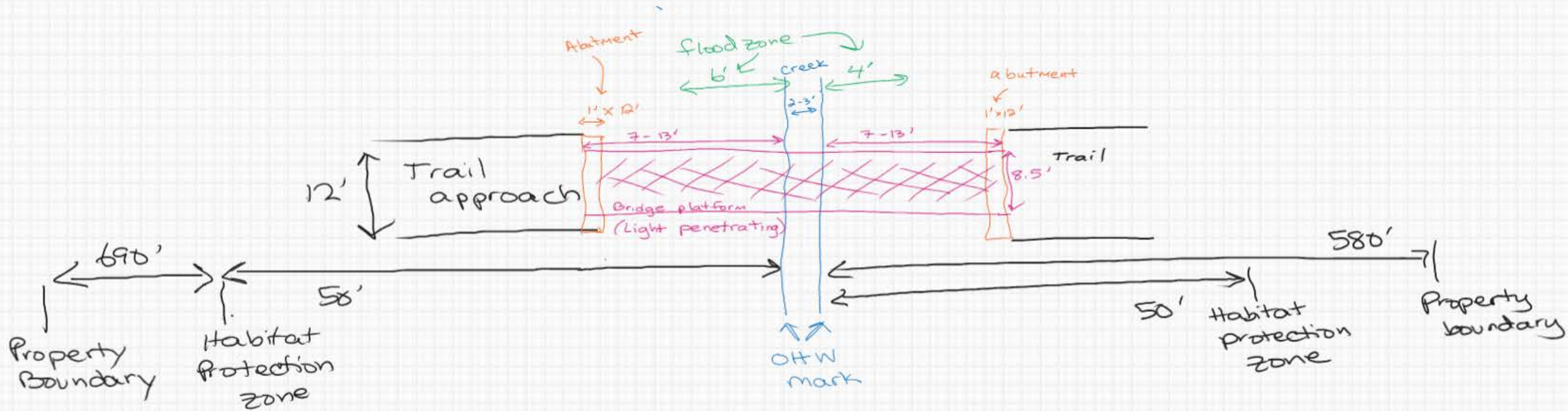


Project Drawings: Side View

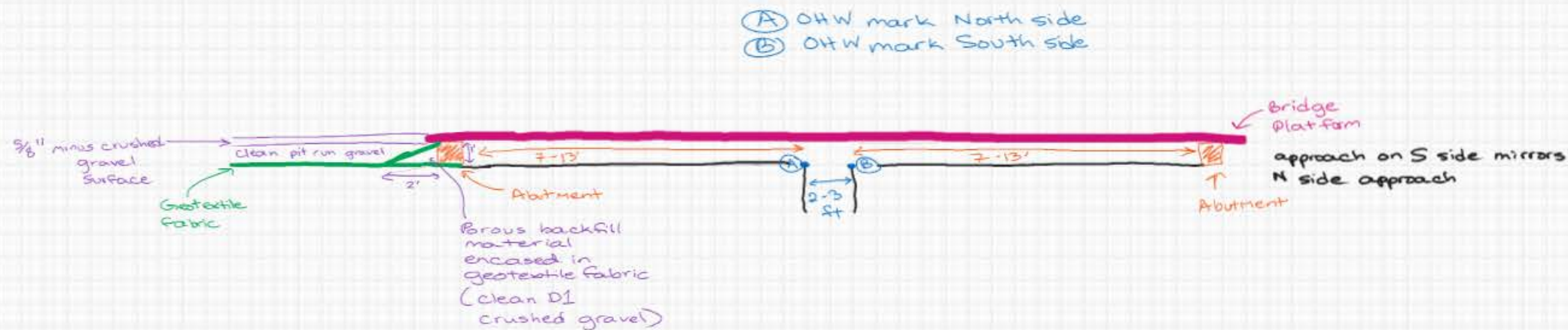
Drawings do not have to be to scale, but **must** show the following:

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





Side view of bridge crossing:



Side view of trail (road) approach to bridge





Road and Bridge

 **Project Area**

KPB Parcel(s):
17101004

Project Description:

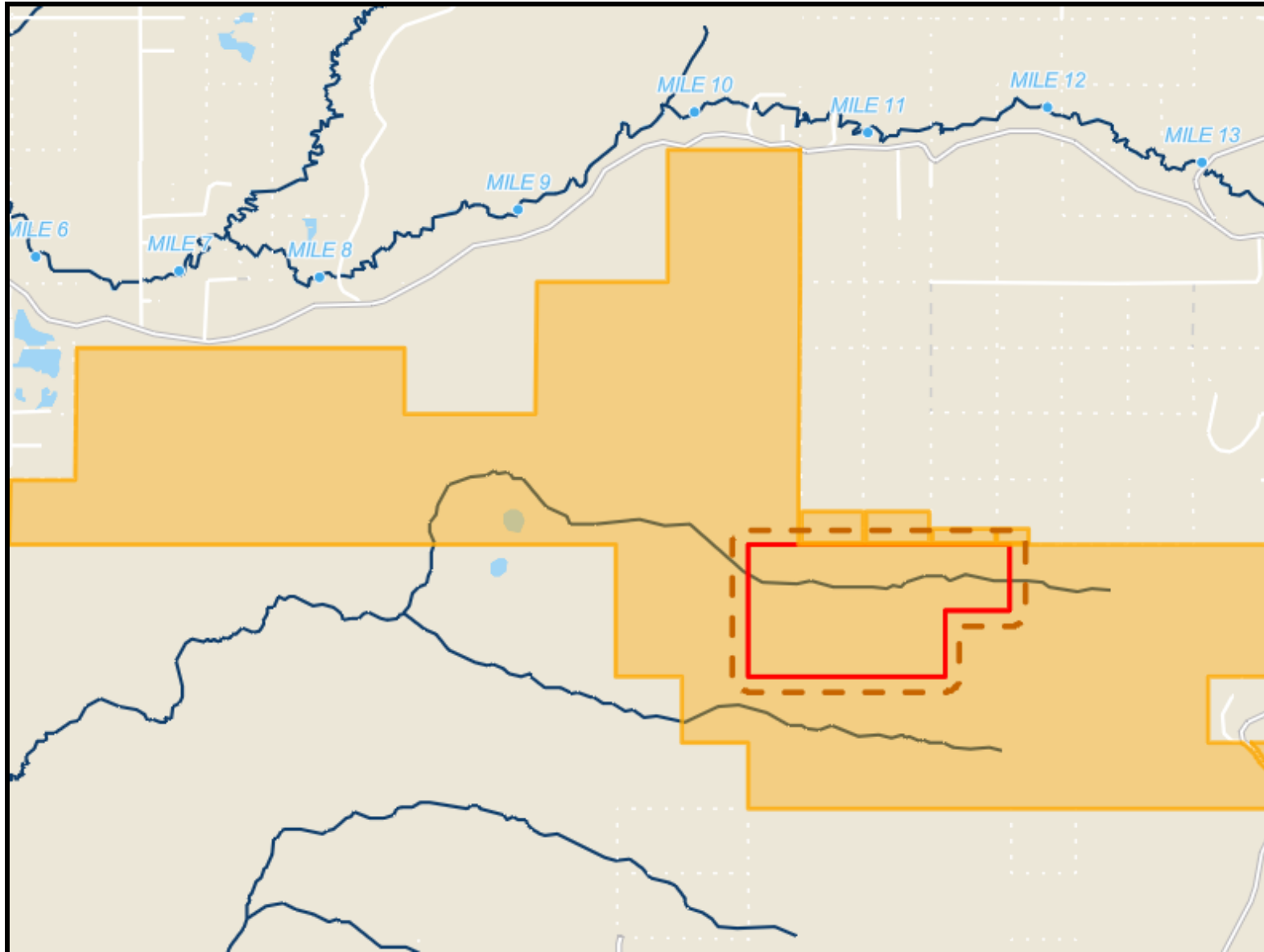
Vicinity: Anchor Point



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):

17101004

Regulatory

Anadromous

KPB 21.18 Anadromous Lakes
and Areas

 Exempt

 Managed

 Unregulated

 n/a

KPB 2118 Districts



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

PC Res No.	2026-36
Planning Commission Meeting:	Monday, July 20, 2026
Applicant	Jack Cole & Kristel Cole
Mailing Address	PO Box 2642 Homer, AK 99603
Legal Description	T 5S R 14W SEC 4 SM HM GOV LOTS 1 2 3 & 4 & S1/2 NW & SW NE
Physical Address	67515 Silver Ave
KPB Parcel Number	17101004

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a road and bridge within the 50-foot Habitat Protection District of an Unnamed Creek, as established in KPB 21.18.040.

Background Information

Applicant needs to access their land by crossing an anadromous creek on their parcel. They plan to construct a 12 foot wide road of pit run and install an 8 foot wide light penetrating bridge. They will be using an excavator and skid loader to do the road work and place the bridge.

Project Details within the 50-foot Habitat Protection District

1. Placement of a 12 foot wide road, of pit run material on either side of the water. The portion of the road up to the bridge will be sloped 1:2 to help with run off.
2. Placement of an 8 foot wide and about 30 foot long bridge with an ELP deck
3. Placement of abutments on each end, about a foot wide and 12 feet long.

Attachments

Multi-Agency Application
Draft Resolution 2026-36

Recommendation

Based on the findings listed in the Resolution, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2026-36.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2026-36

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A ROAD AND BRIDGE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE UNNAMED TRIBUTARY TO TWO MOOSE CREEK.

- WHEREAS,** Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and
- WHEREAS,** KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and
- WHEREAS,** KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and
- WHEREAS,** public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and
- WHEREAS,** public notice was posted as provided in Section 01.08.180 (B) (1) (3); and
- WHEREAS,** public testimony was received at the Monday, July 20, 2026 meeting of the Kenai Peninsula Borough Planning Commission;

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

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

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

1. Placement of a 12 foot wide gravel road, of pit run material on either side of the water. The portion of the road up to the bridge will be sloped 1:2 to help with run off.
2. Placement of an 8 foot wide and about 30 foot long bridge with an ELP deck.
3. Placement of abutments on each end, about a foot wide and 12 feet long.

Section 2. Findings of fact pursuant to KPB 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(5), construction of transportation and utility infrastructure 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 span of the bridge will be light penetrating and will allow for natural vegetation to freely grow under the structure and provide riparian habitat.
7. Currently there is no way to cross the stream and historical trail users have either driven through or thrown wooden debris over- this structure will allow for safe passage and preservation of near shore habitat.
8. The distance of the abutments from the creek banks will preserve the existing vegetation.
9. This project has been reviewed by ADFG and meets their standard for an allowable use.
10. 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.
11. Pursuant to KPB 21.18.140, the proposed project meets the definition of water dependent.
12. The River Center found the application complete and scheduled a public hearing for Monday, July 20, 2026.
13. Agency review was distributed on 7/2/2026. No comments or objections have been received from resource agencies to date.
14. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on 7/2/2026. A total of 13 mailings were sent.
15. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
16. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Unnamed Creek.
2. The road and bridge must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.

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

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-5 and Findings 4, 6, 7-8 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Condition 11 and Findings 1-5 appear to support this standard.**

3. The development of the use or structure shall not physically damage the adjoining property; **Condition 2 and Finding 10 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 7, 11 appears to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Condition 11 and Finding 16 appear to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2026.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.