

## **E. NEW BUSINESS**

**6. Conditional Use Permit; PC Resolution 2026-18**

**Applicant: AK DOT&PF**

**Request: To do repair work on Bridge Access Road, including replacing three anadromous culverts within the 50' HPD of multiple anadromous waterbodies.**

**City of Kenai**

# 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: ADNR-DPOR D&C (through agreement w/DOT)

Mailing: 550 W 7th Ave., Suite 1340  
Anchorage, AK 99501

Phone: N/A

Email: N/A

**AGENT:** (if applicable)

Name: Chester Fehrmann (Environmental Impact Analyst)

Mailing: 550 W 7th Ave., Suite 1340  
Anchorage, AK 99501

Phone: 907-269-8506

Email: chester.fehrmann@alaska.gov

**PROJECT LOCATION:**

KPB Parcel ID: DOT ROW

Physical Address: Bridge Access Road

Subdivision: N/A

Lot: N/A Block: N/A Addition/No.: N/A

**WATERBODY INFORMATION:**

Waterbody: Kenai River, various side streams

River Mile: 4.6

Riverbank:  Left  Right *(looking downstream)*

**PERMIT FEES:**

\$50 - Staff Permit      **OR**       \$300 - Conditional Use or Floodway Analysis

**PROJECT:**

New Project      **OR**       Extension/Amendment to **RC#** \_\_\_\_\_

*Please select all activities that apply to your project:*

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

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

The purpose of the project is to prolong the life of Bridge Access Road by increasing the lifespan of the roadway and by reducing the possibility for bank erosion caused by a failed culverts while also improving safety. This is a pavement preservation project that will include as necessary; roadside hardware, drainage improvements, intersection improvements, safety improvements, bridge work, ADA improvements, and possible utilities. See Engineering Planset for details. Additional "Project Components" outline is attached as well.

**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: August 2026 End date: September 2027 Estimated Days of Construction: \_\_\_\_\_
- 2. Is any portion of the work already complete? If yes, please describe: N/A  Yes  No

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- 3. Is your project located on land or waters of an Alaska State Park?  Yes  No  
*If yes, you must fill out an Alaska State Parks application at: [dnr.alaska.gov/parks/permit](http://dnr.alaska.gov/parks/permit)*

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

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

**Regulatory Floodplains:**

- 8. Is the property where the project is taking place near or within a regulatory floodplain?  Yes  No
  - a. Is this project within or adjacent to a regulatory floodway?  Yes  No
  - b. Is this project within or adjacent to a coastal high hazard zone?  Yes  No
  - c. For new buildings and/or additions, list all project costs (labor, materials, etc.): \$ \_\_\_\_\_

**Excavation, Dredging, and Fill:**

- 9. Will material be excavated or dredged from the site?  Yes  No
  - a. Type of material(s): Vegetative mat, common excavation, muck excavation, waterway excavation, woody debris.
  - b. Area to be dredged below OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: 300
  - c. Area to be excavated above OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: 500
  - d. Location materials will be deposited: Variable- contractor furnished.
- 10. Will any material (including soils, debris, and/or overburden) be used as fill?  Yes  No
  - a. Type of material(s): Riprap, coarse aggregate, well-graded blends of aggregate, topsoil, salvaged vegetative mat.
  - 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: 350
  - d. Area to be filled below OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: 200

**Motorized Equipment:**

- 11. Will you be using motorized equipment for this project? If yes, please list all equipment:  Yes  No  
Excavator, Paver, Grader, Crane, and other various heavy and light machinery

  - a. Will you be crossing a stream or waterbody?  Yes  No
  - b. How long will equipment be used below OHW or MHW? ~5 days per culvert

**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.

Chester Fehrmann <small>Digitally signed by Chester Fehrmann Date: 2026.02.10 14:27:37 -09'00'</small>	2/10/2026		
<b>Owner Signature (required)</b>	<b>Date</b>	<b>Agent Signature (if applicable)</b>	<b>Date</b>

## Bridge Access Road Pavement Preservation Project

### -Culvert Replacement Details-

#### Site 1- North end of Scenic Pull-off

- Anadromous stream AWC 244-30-10010-2009
- Remove 65 x 40 steel pipe; replace with 115' x 96" fish passage culvert
- Excavate
  - Materials: Vegetative mat, common excavation, muck excavation, waterway excavation, woody debris.
  - Volume ABOVE OHW: 150 CY
  - Volume BELOW OHW: 80 CY
- Fill
  - Materials: Riprap, coarse aggregate, well-graded blends of aggregate, topsoil, salvaged vegetative mat.
  - Volume ABOVE OHW: 110 CY
  - Volume BELOW OHW: 50 CY

#### Site 2- Boat Launch Road

- Anadromous stream AWC 244-30-10010-2007
- Remove 48' steel pipe; replace with 81"x 59" fish passage culvert
- Excavate
  - Materials: Vegetative mat, common excavation, muck excavation, waterway excavation, woody debris.
  - Volume Above OHW: 160 CY
  - Volume Below OHW: 90 CY
- Fill
  - Materials: Riprap, coarse aggregate, well-graded blends of aggregate, topsoil, salvaged vegetative mat.
  - Volume Above OHW: 130 CY
  - Volume Below OHW: 40 CY

### Site 3- Just south of Beaver Loop Road

- Anadromous Stream AWC 244-30-10010-2007
- Remove 65x40 steel pipe; replace with 132” structural plate fish passage culvert
- Excavate
  - Materials: Vegetative mat, common excavation, muck excavation, waterway excavation, woody debris.
  - Volume Above OHW: 190 CY
  - Volume Below OHW: 130 CY
- Fill
  - Materials: Riprap, coarse aggregate, well-graded blends of aggregate, topsoil, salvaged vegetative mat.
  - Volume Above OHW: 110 CY
  - Volume Below OHW: 110 CY

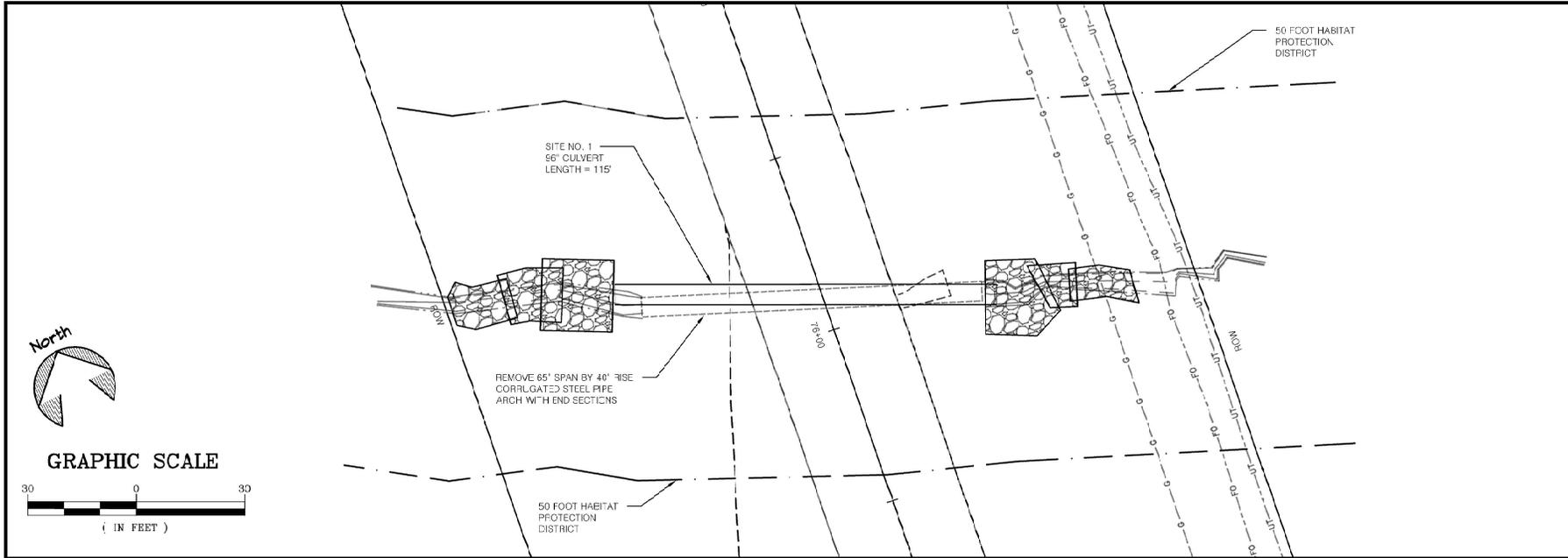
### Site 4- South of Kenai River Flats Facility

- Non-anadromous culvert
- Remove 24” x 97’ steel pipe; replace with 36” x97’ HDPE plastic culvert
- Excavate
  - Materials: Vegetative mat, common excavation, muck excavation, waterway excavation, woody debris.
  - Volume Above OHW: 82 CY
  - Volume Below OHW: N/A
- Fill
  - Materials: Riprap, coarse aggregate, well-graded blends of aggregate, topsoil, salvaged vegetative mat.
  - Volume Above OHW: 82 CY
  - Volume Below OHW: N/A

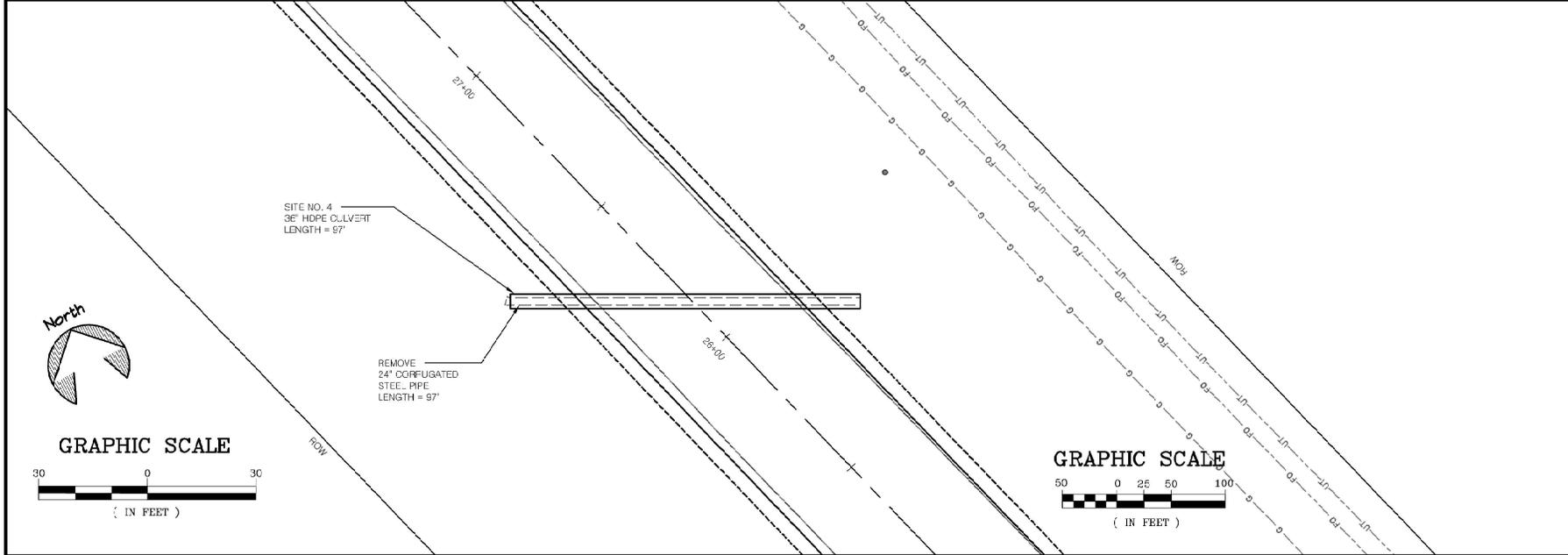
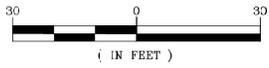


KRSMA: Bridge Access Road Pavement Preservation  
-Culvert Locations with Properties and Imagery-

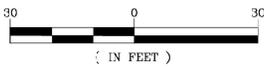




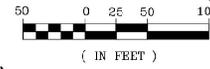
GRAPHIC SCALE



GRAPHIC SCALE



GRAPHIC SCALE



STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES  
 PLANS DEVELOPED BY: DIVISION OF PARKS AND OUTDOOR RECREATION  
 550 W 7TH AVE. SUITE 1340, ANCHORAGE, AK 99501 - 907.269.8731

KENAI BRIDGE ACCESS ROAD  
 PAVEMENT PRESERVATION  
 PROJECT No. CFHWY00830

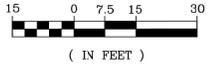
SITE NO. 1 CULVERT DESIGN



PREPARED: RCS  
 DRAWN: D&C  
 REVISED: D&C  
 DATE: NOV 2025

SHEET  
**P2**  
 OF XX SHEETS

**GRAPHIC SCALE**



50 FOOT HABITAT PROTECTION DISTRICT

SITE NO. 2  
81' SPAN BY 59' RISE CORRUGATED STEEL PIPE ARCH

ROW

BOAT LAUNCH ROAD

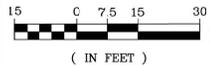
ROW

REMOVE 48" CORRUGATED STEEL PIPE

ROW

50 FOOT HABITAT PROTECTION DISTRICT

**GRAPHIC SCALE**



50 FOOT HABITAT PROTECTION DISTRICT

SITE NO. 3  
132' STRUCTURAL PLATE PIPE

BRIDGE ACCESS ROAD

ROW

REMOVE 65' SPAN BY 40' RISE CORRUGATED STEEL PIPE ARCH WITH END SECTIONS

50 FOOT HABITAT PROTECTION DISTRICT

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES  
PLANS DEVELOPED BY: DIVISION OF PARKS AND OUTDOOR RECREATION  
550 W 7TH AVE. SUITE 1340, ANCHORAGE, AK 99501 - 907.269.8731



PREPARED: RCS  
DRAWN: D&C  
FEW EWD: D&C  
DATE NOV 2025

SHEET  
**P3**  
OF XX SHEETS

SITE NO. 2 & NO. 3  
CULVERT DESIGN

KENAI BRIDGE ACCESS ROAD  
PAVEMENT PRESERVATION  
PROJECT No. CFHWY00830

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

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**PC Res No.** 2026-18  
**Planning Commission Meeting:** Monday, March 16, 2026  
**Applicant** State of Alaska Department of Parks and Recreation  
**Mailing Address** 550 W 7th Ave. Suite 1340  
Anchorage, AK 99501  
**Physical Location** Bridge Access Road, Kenai Alaska

**Project Description**

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of replacement culverts within the 50-foot Habitat Protection District of multiple Waterbodies, as established in KPB 21.18.040.

**Background Information**

The purpose of the project is to prolong the life of Bridge Access Road by increasing the lifespan of the roadway and by reducing the possibility for bank erosion caused by a failed culverts while also improving safety. This is a pavement preservation project that will include as necessary; roadside hardware, drainage improvements, intersection improvements, safety improvements, bridge work, ADA improvements, and possible utilities.

**Project Details within the 50-foot Habitat Protection District**

Site 1- northern end of scenic pull out

- remove 65 x 40 steel pipe and replace it with a 115' x96" fish passage culvert
- excavate approx. 230 cubic yards and fill approx. 160 cubic yards

Site 2- boat launch pad

- remove 48' steel pipe and replace with 81" x 59" fish passage culvert
- excavate approx. 250 cubic yards and fill approx. 170 cubic yards

Site 3- just south of Beaver Loop Road

- remove 65"x40' steel pipe, replace with 132' structural plate culvert

- excavate approx. 320 cubic yards and fill approx. 220 cubic yards

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

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(2), 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 culvert has been designed to meet Tier I fish passage criteria in accordance with the *DOT&PF/ADFG Memorandum of Agreement for Designing, Permitting and Construction of Culverts for Fish Passage*, which will lead to an improvement in fish passage and fish habitat at this site, as supported by KPB 21.18.020(E).
7. The purpose of the proposed project is to extend the service life of the facility, increase transportation capacity and enhance overall safety of Bridge Access Road, supported by KPB 21.18.010(G).
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. Pursuance to KPB 21.18.140, the proposed project meets the definition of water dependent.
10. The River Center found the application complete and scheduled a public hearing for Monday, March 16, 2026.
11. Agency review was distributed on 02/27/26. 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 02/27/26. A total of 6 mailings were sent.
13. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
14. 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 multiple Waterbodies.
2. Though the project is within Kenai city limits and exempt from floodplain requirements, the replacement culverts should 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 six calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

### **General Standards**

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other

applicable planning documents adopted by the borough; **Conditions 6, 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; **Findings 5 and 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Conditions 11, 12 and Finding 14 appear to support this standard.**

### **Attachments**

Multi-Agency Application  
Draft Resolution 2026-18

### **Recommendation**

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

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2026-18.

**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 2026-18**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF THREE CULVERTS WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF MULTIPLE WATERBODIES ON BRIDGE ACCESS ROAD.**

**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, March 16, 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**

ADOT is going to be upgrading the road surface, anadromous culverts and doing pavement preservation along Bridge Access Road between Kenai Spur Highway and KBeach road. The culverts along this route are at listed below, with the size changes and the amounts of materials used.

Site 1- northern end of scenic pull out

- remove 65 x 40 steel pipe and replace it with a 115' x96" fish passage culvert

- excavate approx. 230 cubic yards and fill approx. 160 cubic yards

Site 2- boat launch pad

- remove 48' steel pipe and replace with 81" x 59" fish passage culvert
- excavate approx. 250 cubic yards and fill approx. 170 cubic yards

Site 3- just south of Beaver Loop Road

- remove 24"x97" steel pipe, replace with 36"x97' HDPE plastic culvert
- excavate approx. 82 cubic yards and fill approx. 82 cubic yards

## **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)(2), 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 culvert has been designed to meet Tier I fish passage criteria in accordance with the DOT&PF/ADFG Memorandum of Agreement for Designing, Permitting and Construction of Culverts for Fish Passage, which will lead to an improvement in fish passage and fish habitat at this site, as supported by KPB 21.18.020(E).
7. The purpose of the proposed project is to extend the service life of the facility, increase transportation capacity and enhance overall safety of Bridge Access Road, supported by KPB 21.18.010(G).
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. Pursuance to KPB 21.18.140, the proposed project meets the definition of water dependent.
10. The River Center found the application complete and scheduled a public hearing for Monday, March 16, 2026.
11. Agency review was distributed on 02/27/26. 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 02/27/26. A total of 6 mailings were sent.
13. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
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 Multiple Waterbodies.
2. Though the project is within the Kenai city limits and exempt from floodplain requirements, the replacement culverts 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 six calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).

11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3 and Finding 4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Conditions 6, 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; **Findings 5 and 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11, 12 and Finding 14 appears 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.**