

## **E. NEW BUSINESS**

### **3. Conditional Use Permit; PC Resolution 2026-15**

**Applicant: Kenai Peninsula Borough**

**Request: Install ELP & fence for bank protection in the 50-Foot  
Habitat Protection District of the Kenai River**

**Location: 514 Funny River Rd. / PIN 06034019**

**City of Soldotna**

**Staff Responsible: Planner Morgan Aldridge**

# 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: Kenai Peninsula Borough

Mailing: 514 Funny River Road  
Soldotna AK 99669

Phone: 907-714-2460

Email: kenairivcenter@kpb.us

**AGENT:** (if applicable)

Name: Samantha Lopez

Mailing: 514 Funny River Road  
Soldotna, AK 99669

Phone: 907-714-2460

Email: slopez@kpb.us

**PROJECT LOCATION:**

KPB Parcel ID: 06034019

Physical Address: 514 Funny River Road

Subdivision: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition/No.: \_\_\_\_\_

**WATERBODY INFORMATION:**

Waterbody: Kenai River

River Mile: 22.5

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 checked="" type="checkbox"/> Bank Stabilization     | <input type="checkbox"/> Fish & Wildlife Management        | <input type="checkbox"/> Road Construction                |
| <input type="checkbox"/> Boat Launch                       | <input type="checkbox"/> Floating Dock                     | <input type="checkbox"/> Structure (Accessory)            |
| <input type="checkbox"/> Bridge                            | <input type="checkbox"/> Fuel Storage Green Infrastructure | <input type="checkbox"/> Structure (Residential)          |
| <input checked="" type="checkbox"/> Coir Logs              | <input type="checkbox"/> In-Stream Structures (Weir)       | <input checked="" type="checkbox"/> Spruce Tree Revetment |
| <input type="checkbox"/> Culvert                           | <input type="checkbox"/> Oil & Gas                         | <input type="checkbox"/> Stream Crossing                  |
| <input checked="" 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 checked="" type="checkbox"/> Veg Mat               |
| <input type="checkbox"/> Excavation, Dredging, and/or Fill | <input checked="" type="checkbox"/> Revegetation           | <input type="checkbox"/> Vegetation Removal               |
| <input checked="" 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.*

Installation of 40 linear feet of cabled spruce trees, 40 linear feet of coir log, 40 linear feet of brush layers with vegetative mat, and 50 potted willows and alders. Will place 2 inches of topsoil for the propagation of vegetation over disturbed areas, which will then be seeded. Installation of new ELP platforms: 24x6 (1), 12x4 (2) and stairs: 3x10 (1), 3x12 (1)  
 Installation of snow fence attached to metal T posts every 4-6 feet, and set directly under the ELP to eliminate foot traffic trampling the bank. Fence will be 60 inches tall and approximately 300 feet long, with spaced wooden slats to allow for water conveyance.

**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: May 2026 End date: July 2026 Estimated Days of Construction: 14
2. Is any portion of the work already complete? If yes, please describe: portions of the ELP and bank work  Yes  No  
revetegation has been done for years but need additional replacement of trees, plantings and fence
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): \_\_\_\_\_
- b. Area to be dredged below OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: \_\_\_\_\_
- c. Area to be excavated above OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: \_\_\_\_\_
- d. Location materials will be deposited: \_\_\_\_\_
10. Will any material (including soils, debris, and/or overburden) be used as fill?  Yes  No
- a. Type of material(s): \_\_\_\_\_
- b. Is this fill permanent or temporary?  Permanent  Temporary
- c. Area to be filled above OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: \_\_\_\_\_
- d. Area to be filled below OHW or MHW:  
 Length: \_\_\_\_\_ (ft) Width: \_\_\_\_\_ (ft) Depth: \_\_\_\_\_ (ft) Total Cubic Yards: \_\_\_\_\_

**Motorized Equipment:**

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

**SIGNATURE & CERTIFICATION:**

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

	1/26/2026		1/26/26
Owner Signature (required)	Date	Agent Signature (if applicable)	Date

# Site Plan Overview



05/16/2024

- ..... 50-foot HPD
- Proposed Fence
- ☁️ Revegetated areas
- New ELP
- Existing ELP

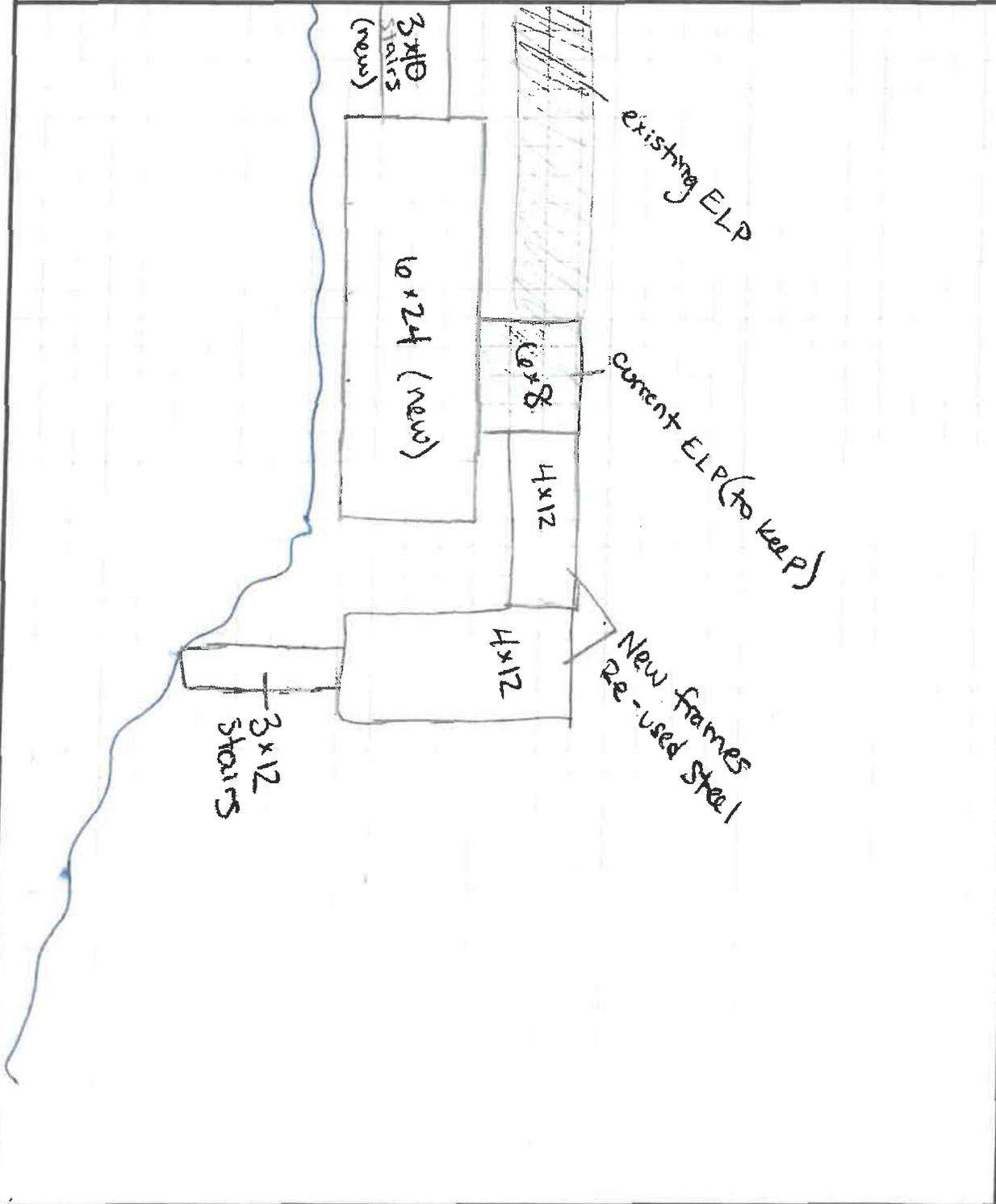
# Project Drawings: Top View

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



North



NFHP Grant: River Center Access and Restoration Demonstration Project  
Photo Log



River Center bank at low water.

NFHP Grant: River Center Access and Restoration Demonstration Project  
Photo Log



River Center bank at low water.

NFHP Grant: River Center Access and Restoration Demonstration Project  
Photo Log



NFHP Grant: River Center Access and Restoration Demonstration Project  
Photo Log



June 2024. River Center bank at low water.

## BRUSH LAYERS

### Description:

Brush layering is a revegetation technique that combines layers of dormant willow cuttings with soil lifts wrapped in coir fabric (Figure 22). Brush layers can be used to revegetate and stabilize both streambanks and adjacent slopes. Plant material placed using brush layering provides fish habitat and nutrients to the adjacent waterbody. Brush layering is versatile and can be used alone or in combination with other techniques at a wide variety of sites. Because brush layers are resistant to riverine scour and landward erosion, they can be stacked to rebuild banks and match a variety of slopes and heights. Brush layers can be damaged by foot traffic and may not be a good choice at sites with lots of fishing from the banks.

In Alaska, feltleaf willow is often used for brush layers because it grows readily in many environments. It is often a good idea to use feltleaf willow with a mixture of species in order to blend with existing vegetation and increase success in shady or dry locations (see the ***Plant Species Selection List***). Besides dormant cuttings, rooted cuttings or potted plants can also be used in brush layers; this is particularly useful for species that do not root readily from cuttings, such as Scouler willow, Bebb willow, and some alder species. Brush layers do best if they receive at least some direct sunlight and are watered regularly.

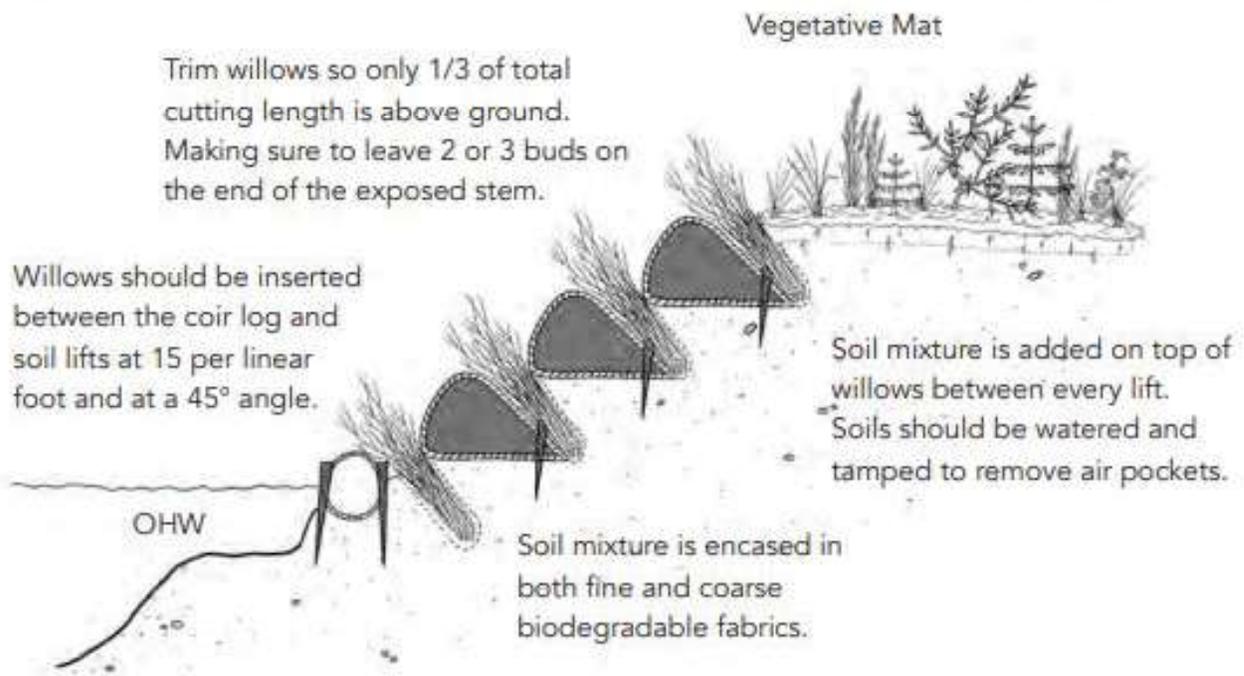


Figure 22. Side view of a triple brush layer.

# PROTECTION TECHNIQUES

## COIR LOGS

### Description:

A coir log is a dense, interwoven collection of coconut fibers that are bound together with biodegradable netting (Figure 44). Commercially produced coir logs come in various lengths and diameters and should be sized specifically for the site.

Coir logs are widely used along streambanks, along lakeshores, and in upland environments. The log provides temporary erosion protection to a site until vegetation establishes and roots provide erosion protection. As the log decays, it provides a substrate for plant growth.

Debris listed below have historically been used to stabilize shorelines, but these also negatively impact fish habitat:

- Tires.
- Cinder blocks.
- Sheet pilings.
- Dilapidated wooden docks or walkways.
- Landscaping fabric.
- Piles of yard waste such as cut tree limbs, cut grass, leaves, etc.
- Cars.
- 55-gallon barrels.



Figure 44. Coir logs being staked in.

### Installation:

For information on construction materials and best management practices, please review **Constructing and Maintaining Your Project** on page 104. The coir logs should be installed at or slightly above ordinary high water level. Excavate a small trench that is at least as deep as half the diameter of the coir log so that the log will sit below ground level. The entire length of the coir log needs to be partially buried. Both ends of the coir log need to transition smoothly into a stable streambank to reduce the potential for erosion and unraveling of the coir log. Secure the coir log with wooden stakes (see page 105) woven through the netting and driven into the soil. Each end of the coir logs should be secured with two stakes, one on each side. Along the length of the coir log install wooden stakes every 4 feet or so on alternate sides. Tie adjacent logs together with biodegradable twine (Figure 45). For some projects, the coir log may need to be further

secured. If that is the case, tie the biodegradable twine around each stake to form a crisscross pattern, and then drive the stakes into the ground to pull the coir log tightly into the trench. Although coir logs are very effective in protecting and stabilizing the toe-of-slope, they do not provide fish habitat themselves. Therefore, they should always be used in conjunction with other revegetation techniques.



Figure 45. The end of two coir logs staked in and being tied together.

Coir logs should be inspected for signs of wear and tear periodically throughout the year. Winter, with its freezing and thawing processes, can be damaging to coir logs so an early spring inspection is especially important. To fix a coir log that has pulled away, pound the wooden stakes back into place with a sledgehammer. It may also help to add additional wooden stakes where the coir log is being pulled away from the bank or lifting out of the soil.

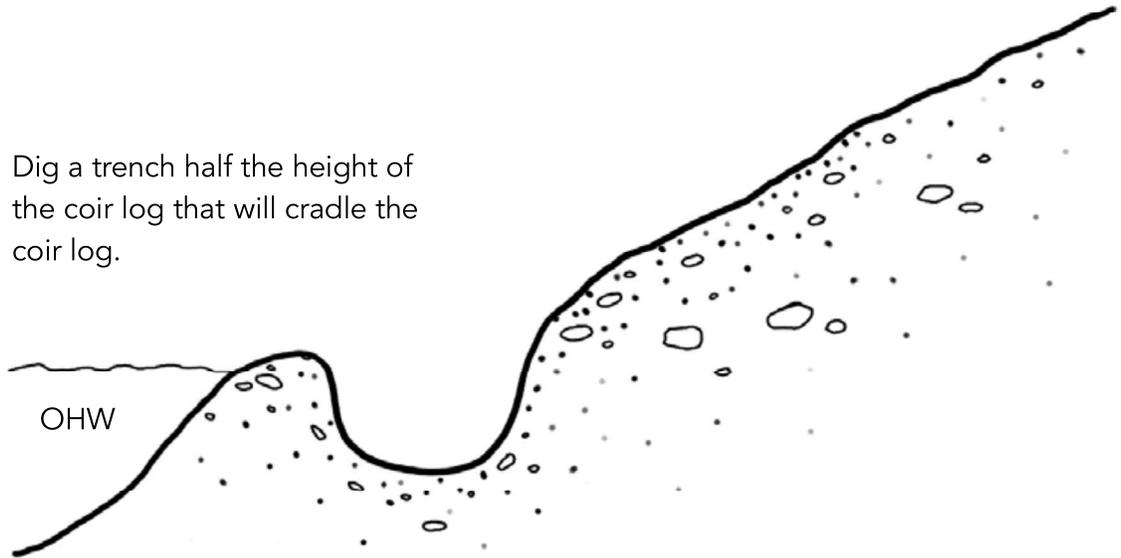
<b>COIR LOGS</b>	
<b>Benefits</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• Provides quick and easy toe-of-slope stabilization for a wide variety of projects.</li> <li>• Easy to install; requires minimal training.</li> </ul>	<ul style="list-style-type: none"> <li>• Necessary to use appropriate stakes to properly secure log.</li> <li>• Should be accompanied by other revegetation techniques.</li> <li>• Poor fish habitat until vegetation establishes.</li> <li>• Coir logs break down slowly.</li> </ul>

## Coir Logs Step-by-Step

Figure 46. Steps 1 and 2 show how to install a coir log.

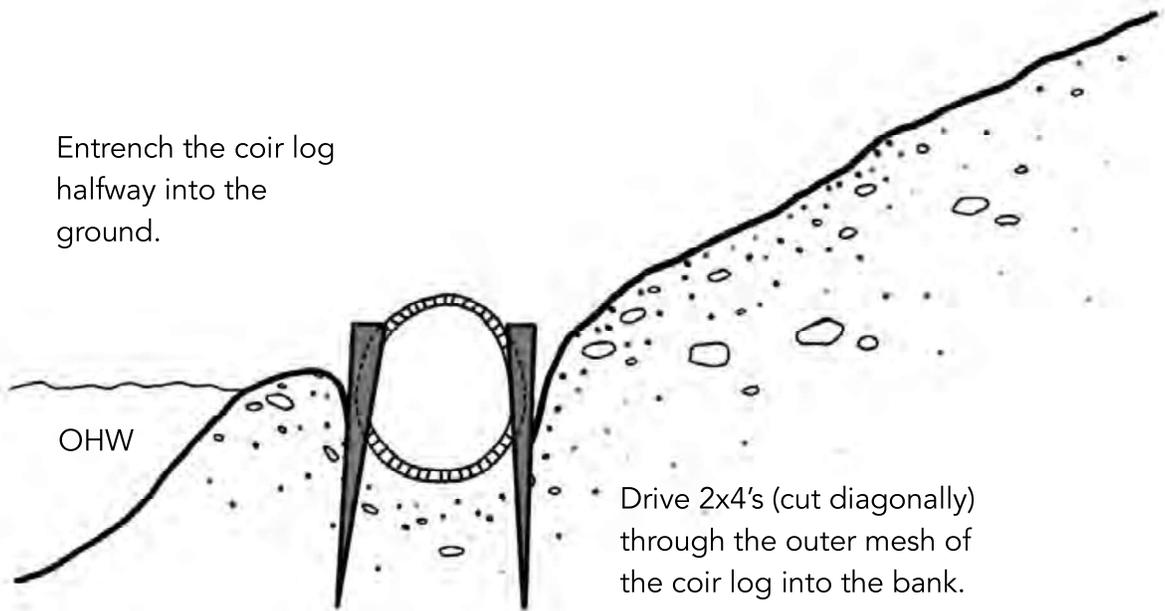
1

Dig a trench half the height of the coir log that will cradle the coir log.



2

Entrench the coir log halfway into the ground.



Drive 2x4's (cut diagonally) through the outer mesh of the coir log into the bank.

## CABLED SPRUCE TREES

### Description:

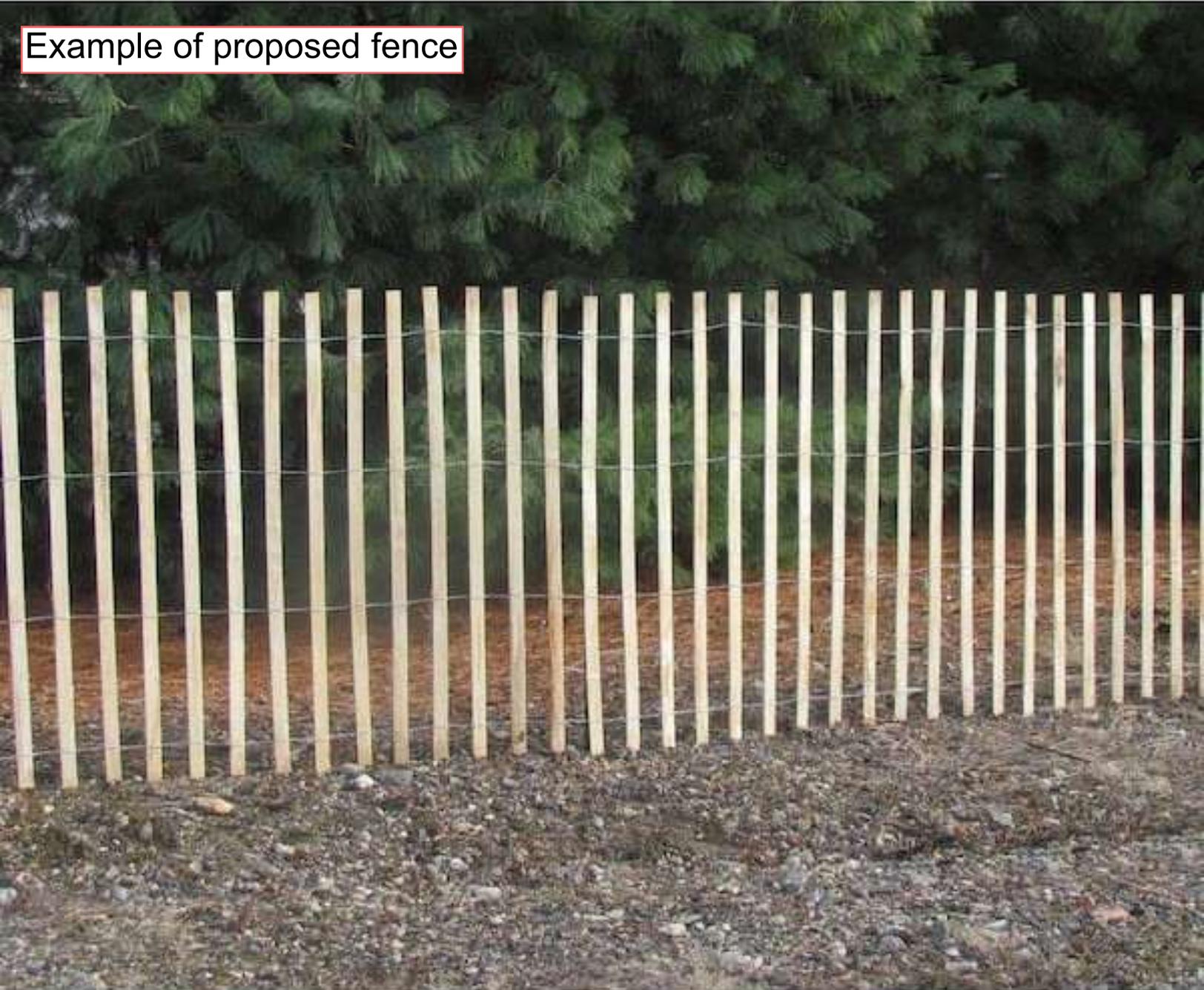
Installing cabled spruce trees is an inexpensive and functional bank protection technique with a short lifespan (Figure 47). This technique is often used as temporary protection until vegetation has established or until a more permanent bioengineering solution is implemented. The limbs of the cabled spruce trees trap sediment, aid in rebuilding bank structure, and help establish long-term bank stability. The tree limbs provide protection from scour and erosion by reducing nearshore water velocities. They also provide cover for juvenile fish and are a source of organic debris.

Cabled spruce trees are often used in combination with other revegetation techniques and provide immediate juvenile fish habitat until the other vegetation is established. Cabled spruce trees can be installed as a single layer, as stacked layers, or as multiple trees cabled together. In any of these configurations, they require an anchoring system. Because the trees should be green and limber with abundant branches and needles, they should be harvested immediately before installation. White spruce tends to work better than black spruce. When collecting trees, avoid beetle-killed trees or other standing dead trees, and be careful not to damage surrounding vegetation. Harvested trees should be 4 to 6 inches in diameter at their base. Ideally, trees can be harvested from areas that are already designated for clearing.



Figure 47. Cabled Spruce Trees installed at Bing's Landing, Kenai River 2016.

Example of proposed fence





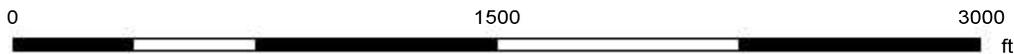
**River Center Project**

 **Project Area**

**KPB Parcel(s):**  
06034019

**Project Description:**

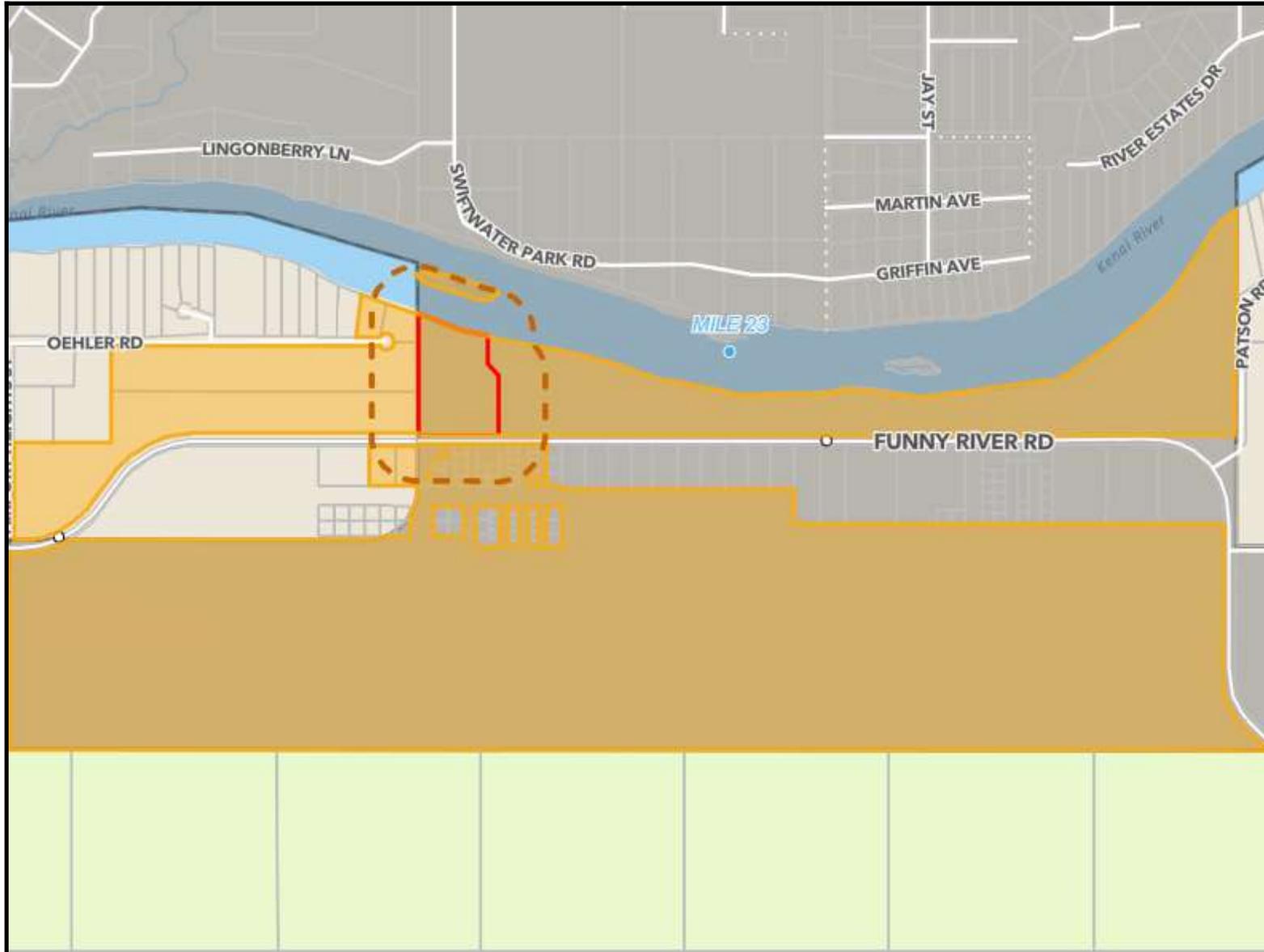
**Vicinity: Soldotna**



Map created by Aldridge, Morgan  
Monday, January 26, 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.





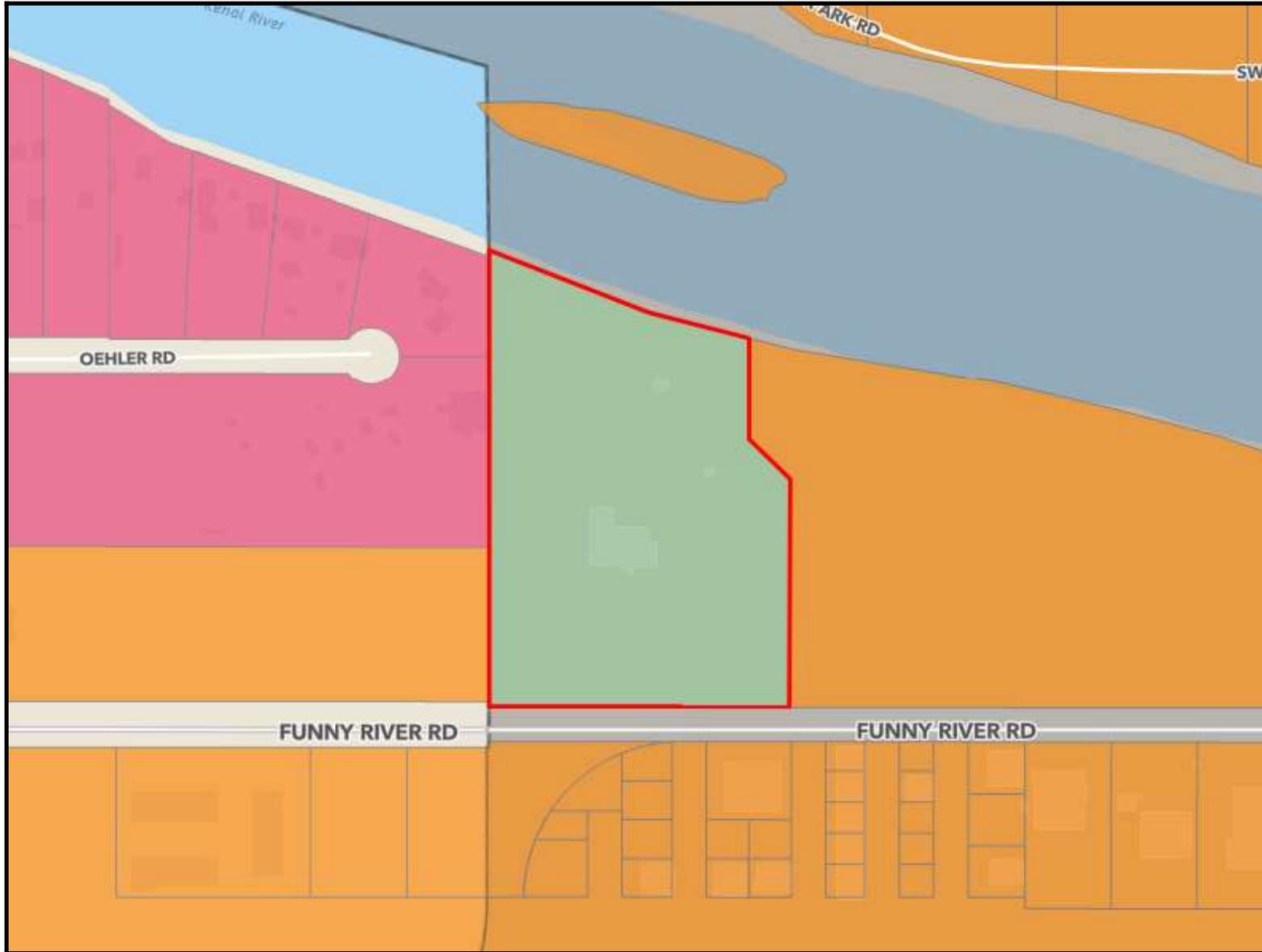
 Project Area

KPB Parcel(s):

06034019

Map created by Aldridge, Morga  
Monday, January 26, 2026





**Project Area**

**KPB Parcel(s):**

06034019

**Parcel and PLSS**

**Parcel Ownership Type**

- Borough
- Federal
- Native
- Native Allotment
- Municipal
- Private
- State

Map created by Aldridge, Morga  
 Monday, January 26, 2026



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

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<b>PC Resolution No.</b>	2026-15
<b>Planning Commission Meeting:</b>	Monday, February 23, 2026
<b>Applicant</b>	Kenai Peninsula Borough - River Center
<b>Mailing Address</b>	514 Funny River Road Soldotna, AK 99669
<b>Legal Description</b>	T 5N R 10W SEC 33 & 34 SM KN 2011022 SOLDOTNA AIRPORT PROP FUNNY RIVER RD REALIGNMENT ADDN PT 1 TRACT 1A
<b>Physical Address</b>	514 Funny River Road
<b>KPB Parcel Number</b>	06034019

**Project Description**

A Conditional Use Permit is sought pursuant to KPB 21.18 for the Elevated Light-Penetrating (ELP) structures, bank stabilization, and a fence within the 50-foot Habitat Protection District of the Kenai River, as established in KPB 21.18.040.

**Background Information**

Foot traffic from fishermen has greatly increased in the past few years at the River Center. The prior bank stabilization projects have been trampled and are deteriorating, even with signage and temporary fencing installed. ELP access platforms have shifted from freeze-thaw cycles and ground movement, rendering the existing handicap platform unusable. One section of bank is very wet with seeping water from the hillside, and gets used as a walking path. With no vegetation growth, additional social trails under and around the ELP walkways (as seen in the photos), the bank is constantly eroding. The applicant proposes to put in a series of layers of coir logs, brush layers, vegetative mat, and cabled spruce trees in the worst traffic areas. The current handicap ELP will be removed and replaced with a new platform and stairs, two ELP platforms will be installed downstream. The applicant will also install a wooden snow fence along the social areas around the ELP, the top of the social trails, the revegetation project, and parallel to the water. The fence is made of thin wooden slats that are woven together with strong wire. It has proven successful in similar revegetation projects, as it is more durable than temporary fencing, is difficult to climb on, and still allows floodwaters to pass through easily.

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

Removal of existing handicap ELP platform:

- Cut the existing, drilled pilings as low as possible
- Repurpose some of the grating to the new ELP platforms
- Remove the steel frame and any unused materials

Installation of ELP platforms:

- One (1) 24x6 feet
- Two (2) 12x4 feet
- Two (2) stairs, 10x3 feet and 12x3 feet

Bank Revegetation:

- 40 feet each: cabled spruce trees, coir log, brush layers, and vegetative mat
- 50 potted willows & alders
- Two (2) inches of topsoil in the disturbed areas to allow for seeding

Fencing:

- The fence will be 4 feet high, approximately 300 feet long, and attached to metal t-posts every 4-6 feet.
- The fence will be placed around the ELP and revegetation to eliminate foot traffic to these sensitive areas.

## **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 a fence 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. Foot traffic will continue to cause erosion along the water if it is not redirected and controlled in this area. The fence will be made of narrow wooden slats to allow the flow of water.
7. Bank revegetation techniques will be incorporated from the *2025 Streambank Revegetation and Protection: A Guide for Alaska* handbook written by ADFG and implemented as designed.

8. Pursuant to KPB 21.18.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties. The adjacent property line will be surveyed and marked prior to the start of the project.
9. Pursuant to KPB 21.18.140, the proposed project meets the definition of water dependent.
10. Pursuant to KPB 21.06.081(B)(2), the proposed fence meets the standards of being along public property and does not enclose the entire parcel, as to allow for free movement of wildlife.
11. The River Center found the application complete and scheduled a public hearing for Monday, February 23, 2026.
12. Agency review was distributed on February 9, 2026. No comments or objections have been received from resource agencies to date.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on February 9, 2026. A total of 6 mailings were sent.
14. Pursuant to KPB 01.08.180 public notice was posted.
15. 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. Though the project is within Soldotna city limits and is exempt from floodplain requirements, the ELP structures, bank stabilization and a fence will be designed and installed to meet KPB floodplain standards.
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)).

### **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 15 appear to support this standard.**

### **Attachments**

Multi-Agency Application  
Draft Resolution 2026-15

### **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 2026-15.

**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, Section 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 2026-15**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE INSTALLATION OF ELEVATED LIGHT-PENETRATING PLATFORMS, BANK REVEGETATION, AND A FENCE 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 KPB 21.11.030; and

**WHEREAS,** public notice was posted as provided in KPB 01.08.180; and

**WHEREAS,** public testimony was received at the Monday, February 23, 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**

Removal of existing handicap ELP platform:

- Cut the existing, drilled pilings as low as possible
- Repurpose some of the grating to the new ELP platforms
- Remove the steel frame and any unused materials

Installation of ELP platforms:

- One (1) 24x6 feet

- Two (2) 12x4 feet
- Two (2) stairs, 10x3 feet and 12x3 feet

Bank Revegetation:

- 40 feet each: cabled spruce trees, coir log, brush layers, and vegetative mat
- 50 potted willows & alders
- Two (2) inches of topsoil in the disturbed areas to allow for seeding

Fencing:

- The fence will be 4 feet high, approximately 300 feet long, and attached to metal t-posts every 4-6 feet.

The fence will be placed around the ELP and revegetation to eliminate foot traffic to these sensitive areas.

**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 a fence 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 provide a guide for growth and development along anadromous waters in accordance with the Kenai Peninsula Borough Comprehensive Plan and through separating conflicting land uses.
6. Foot traffic will continue to cause erosion along the water if it is not redirected and controlled in this area. The fence will be made of narrow wooden slats to allow the flow of water.
7. Bank revegetation techniques will be incorporated from the *2025 Streambank Revegetation and Protection: A Guide for Alaska* handbook written by ADFG and implemented as designed.
8. Pursuant to KPB 21.18.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties. The adjacent property line will be surveyed and marked prior to the start of the project.
9. Pursuant to KPB 21.18.140, the proposed project meets the definition of water dependent.

10. Pursuant to KPB 21.18.081(B)(2), the proposed fence meets the standards of being along public property and does not enclose the entire parcel, as to allow for free movement of wildlife.
11. The River Center found the application complete and scheduled a public hearing for Monday, February 23, 2026.
12. Agency review was distributed on February 9, 2026. No comments or objections have been received from resource agencies to date.
13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on February 9, 2026. A total of 6 mailings were sent.
14. Pursuant to KPB 01.08.180, public notice was posted.
15. 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. Though the project is within Soldotna city limits and is exempt from floodplain requirements, the ELP structures, bank stabilization and a fence will be designed and installed to meet KPB floodplain standards.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).

10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081(G)).

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

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3 and Finding 4 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 support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 5 and 8 support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 10 support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11, 12 and Finding 15 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, Section 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.**