

E. NEW BUSINESS

4. Conditional Use Permit; PC Resolution 2025-20

Applicant: AK Railroad

Request: Install 1000 cubic yards of rip rap to stabilize the bank line along the Snow River

Location: Primrose AK, Coordinates 60.3319, -149.3405

Multi Agency Permit Application



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

Applicant Information:

Name: Brian Lindamood (ARRC)
Owner? ☒ Yes ☐ No
Mailing: P.O. Box 107500
Anchorage, AK 99510
Phone: 907-265-3095
Email: LindamoodB@akrr.com

Agent Information: (if applicable)

Name: Nicholas Havelock (ARRC)
Mailing: P.O. Box 107500
Anchorage, AK 99510
Phone: 907-265-2313
Email: HavelockN@akrr.com

Project Location:

KPB Parcel ID: NA
Physical Address: 60.3319, -149.3405
Waterbody Name: Snow River
River Mile: N/A Riverbank: ☐ Right
looking downstream ☐ Left

Subdivision: NA
Lot: N/A Block: N/A Addn/No.: N/A
Directions to site: From Seward, drive north on the
Seward Highway to approx. highway mile 14, then
set on tracks and ride north approx. 3.3 miles.

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
☒ Amendment

to RC# 13294

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:

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

Between 9/10/23 and 9/11/2023, the ARRC dumped approx. 700CY (200CY below OHW) of riprap at MP 17.9, along the embankment of Snow River. A total of 1,500CY of riprap was permitted under RC 13294, although, the permit was not extended and expired 8/15/2024. ARRC proposes to dump the remaining 800CY, plus an additional 200CY (of which approx. 100CY may be below OHW) of riprap at this same location. The remaining riprap will stabilize the embankment from current and winter/spring erosion and build up the elevation of the track shoulder following track raises performed over the last two summers. All work would be performed from the tracks.

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	\$ _____

Project Questions:

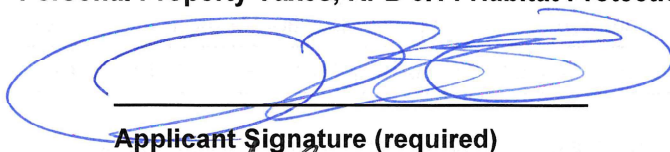
Note: Use Ordinary High Water (OHW) for non-tidal waters, and Mean High Tide (MHT) for tidal waters.

1. Start date: 9/1/2025 End date: 10/31/2025 Estimated Days of Construction: 1-3
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: N/A
Location you will depositing fill: N/A
8. Will any material (including soils, debris, and/or overburden) be used as fill? ☒ Yes ☐ No
Type of material: Riprap Amount: Approx. 1000cy 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: Work train with airdumps will place riprap along embankment, heavy equipment will push rock into place, if needed.
10. Is any portion of the work already complete? ☒ Yes ☐ No
If yes, describe: Approx. 700CY of the total 1,700CY proposed was placed during 2023 under RC 13294.


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)



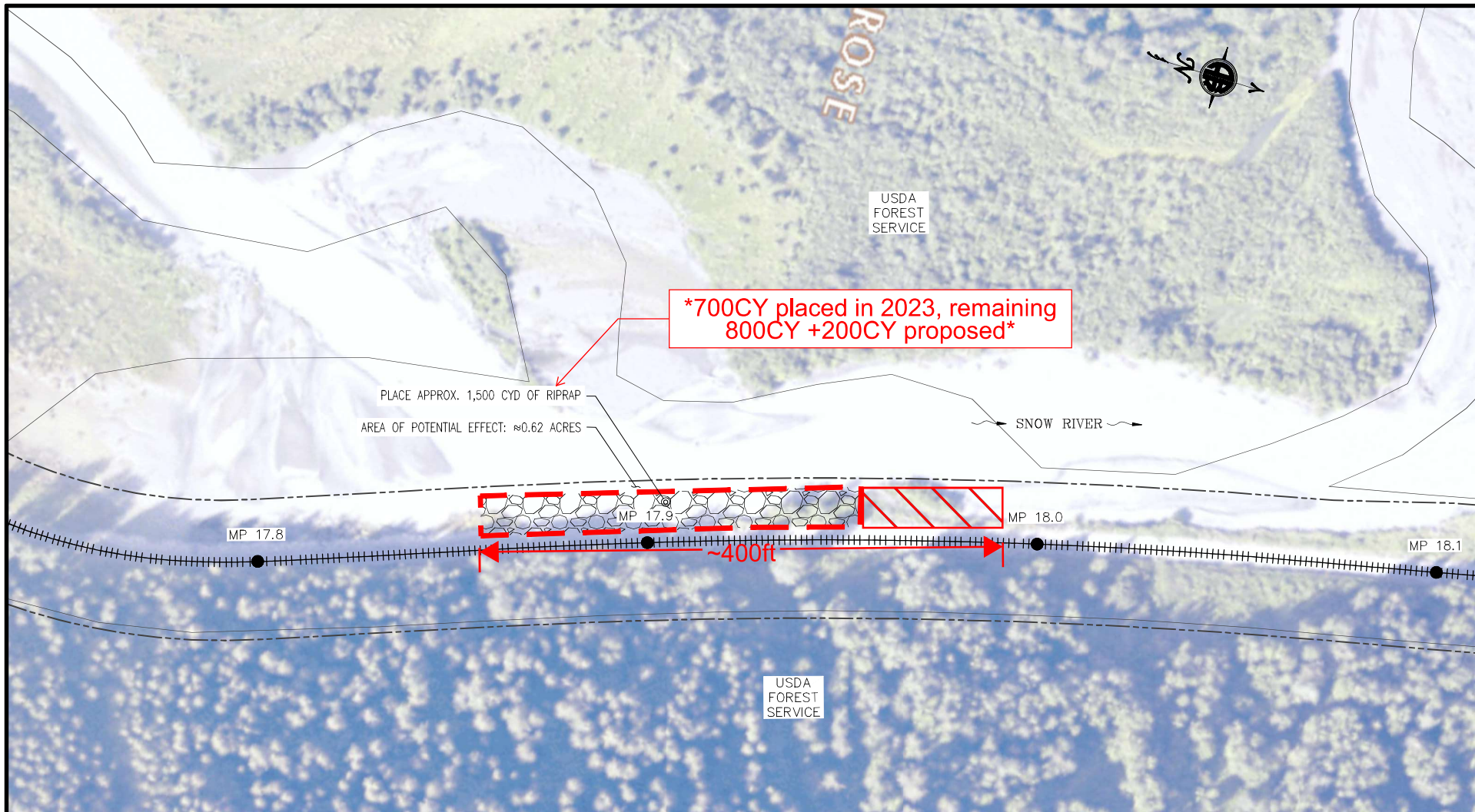
Agent Signature (if applicable)

8/13/2025

Date

8/14/2025

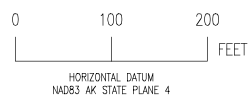
Date



ALASKA
RAILROAD

MP17.9 BANK STABILIZATION

AREA OF POTENTIAL EFFECTS
LAT: 60.3319° N, LONG: 149.3405° W



AREA OF POTENTIAL EFFECTS

--- ARRC RIGHT OF WAY

+++++ ARRC MAINLINE CENTERLINE



APPLICANT: ALASKA RAILROAD CORPORATION

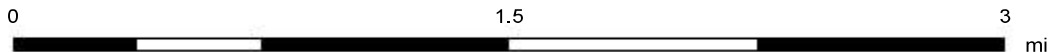
PERMIT NO: TBD

WATERWAY: SNOW RIVER

LOCATION: SEC 19, T3N, R1E, SM

SHEET 1 OF 1

DATE: 8/15/2025



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.

ARRC railway stabilization

 **Project Area**

KPB Parcel(s):

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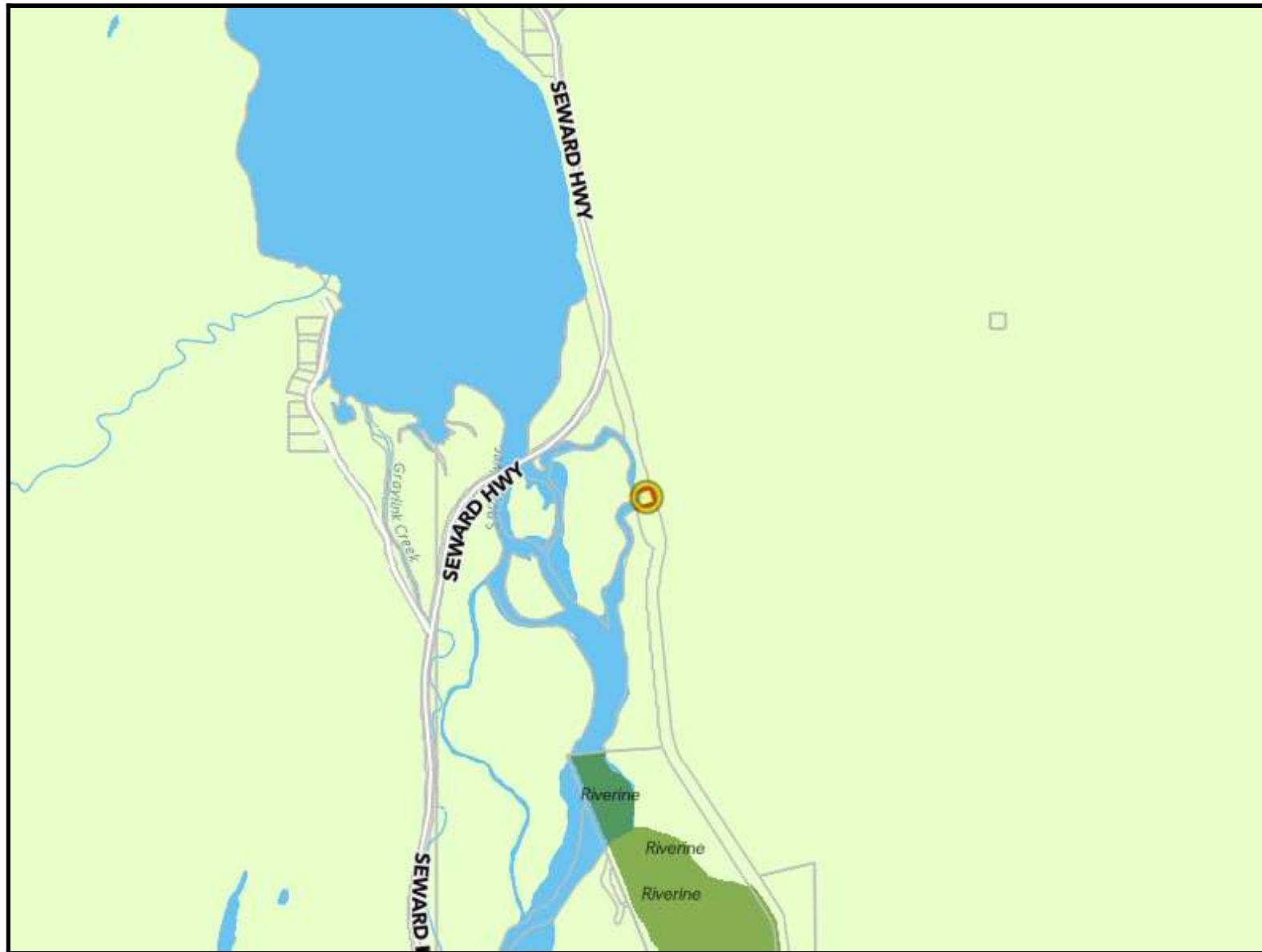
Project Description:

Vicinity: Primrose



Map created by Aldridge, Morgan
Monday, August 18, 2025





 **Project Area**

KPB Parcel(s):

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Landcover Features

KWF Wetlands Assessment

-  Disturb
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  Lake
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex





 Project Area
KPB Parcel(s):
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**Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report**

PC Res No.	2025-20
Planning Commission Meeting:	Monday, September 8, 2025
Applicant	Alaska Railroad Corporation
Mailing Address	P.O. Box 107500 Anchorage, AK 99510
Project Coordinates	60.3319, -149.3405

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for placement of approximately 1000 cubic yards of rip rap within the 50-foot Habitat Protection District of the Snow River, as established in KPB 21.18.040.

Background Information

Prior Conditional Use Permit was issued in 2023, work was not completed in its entirety before expiration date and now they need to finish the project with additional materials being used.

Project Details within the 50-foot Habitat Protection District

Placement of approximately 1000 cubic yards of rip rap materials to stabilize the bank of the rail way line along the Snow River.

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)(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 placement of materials will support the rail road track and create safer passage for train cars along a narrow corridor.
7. All work will be done from the ARRC Right of Way and will not infringe on neighboring land.
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. Pursuant to KPB 21.18.140 ORD 2025-12, the proposed project meets the definition for water dependent.
10. The River Center found the application complete and scheduled a public hearing for Monday, September 8, 2025.
11. Agency review was distributed on 8/20/2025. No comments or objections have been received from resource agencies to date.
12. Notice of this project was sent to the Moose Pass Advisory Planning Commission. The APC reviewed this project at their September 6, 2025 meeting. Their recommendation is included in the desk packet.
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 8/20/2025. A total of 1 mailing was sent.
14. Pursuant to KPB 01.08.180 (B) (1) (3), 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 Snow River.
2. The Applicant received pervious permits under RC 13294. This permit expired one year ago and applicant would like to apply for an additional 1000 cubic yards of rip rap to be placed. Approximately 100 cubic yards will be below OWH. 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 two 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 7 and 8 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1 and 9 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 appears to support this standard.**

Attachments

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 2025-20.

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 2025-20

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE PLACEMENT OF FILL ALONG THE RAILROAD LINE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE SNOW 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 posted as provided in Section 01.08.180 (B) (1) (3); and
- WHEREAS,** public testimony was received at the Monday, September 8, 2025 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

Placement of 1000 cubic yards of rip rap along the railroad tracks for support.

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 placement of materials will support the rail road track and create safer passage for train cars along a narrow corridor.
7. All work will be done from the ARRC Right of Way and will not infringe on neighboring land.
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. Pursuant to KPB 21.18.140 ORD 2025-12, the proposed project meets the definition for water dependent.
10. The River Center found the application complete and scheduled a public hearing for Monday, September 8, 2025.
11. Agency review was distributed on 8/20/2025. No comments or objections have been received from resource agencies to date.
12. Notice of this project was sent to the Moose Pass Advisory Planning Commission. The APC reviewed this project at their September 6, 2025 meeting. Their recommendation is in the desk packet.
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 8/20/2025. A total of 1 mailings were sent.
14. Pursuant to KPB 01.08.180 (B) (1) (3), 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 Snow River.
2. The Placement of 1000 cubic yards of rip rap along the railroad tracks for support. 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 two 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 7 and 8 appear to support this standard.**

4. The proposed use or structure is water-dependent; **Findings 1 and 9 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 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2025.

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.