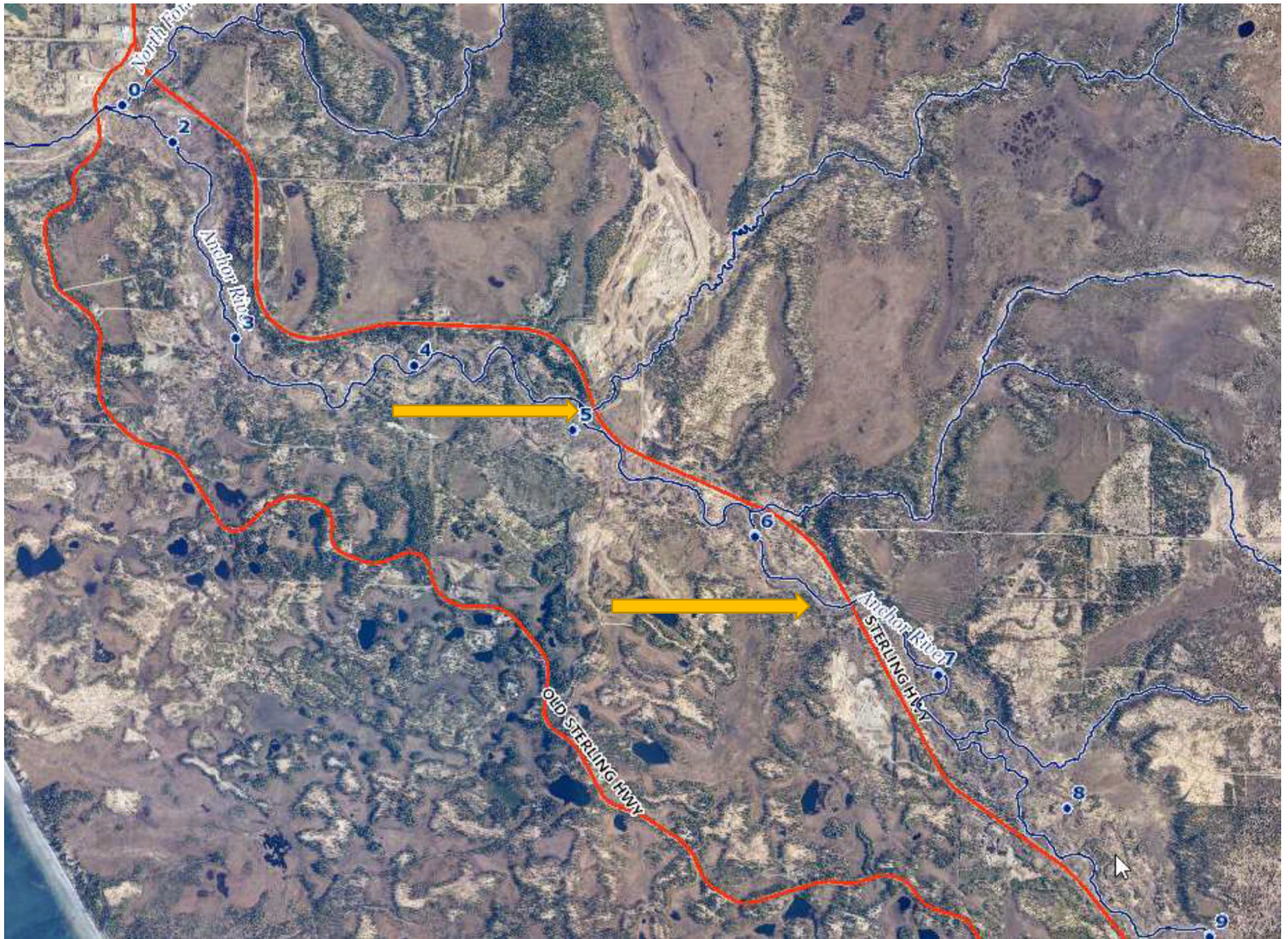


E. NEW BUSINESS

- 4. Conditional Use Permit; PC Resolution 2022-24
Request: Bank Stabilization with Rip Rap**





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

KPB File No.	2022-24
Planning Commission Meeting:	June 27, 2022
Applicant	Alaska Department of Transportation and Public Facilities
Mailing Address	PO Box 196900 Anchorage, AK 99519-6900
Legal Description	NA
Physical Address	Alaska Department of Transportation Right of Way
KPB Parcel Number	NA

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of bank stabilization with rip rap within the 50-foot Habitat Protection District of the Kenai River, Anchor River and Two Moose Creek, as established in KPB 21.18.040.

Background Information

ADOT is seeking a permit to add fill to three locations on the Kenai Peninsula, along the Sterling Highway, to the embankments along the Habitat Protection District. The project is to replace and repair guardrails along the highway and the existing embankments are not providing adequate support. At MP 55.5, there will be 20 Cubic Yards of Type 2 rip rap added. At MP 159.5, there will be 1.9 Cubic Yards of Type 2 rip rap. At MP 161, there will be 60 Cubic Yards of Type 2 rip rap added.

Project Details within the 50-foot Habitat Protection District

1. Adding additional rip rap fill to current embankments and enlarging the footprint within the HPD.

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;
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;
3. The development of the use or structure shall not physically damage the adjoining property;
4. The proposed use or structure is water-dependent;
5. Applicant's or owner's compliance with other borough permits and ordinance requirements.

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), the proposed critical infrastructure may be approved as conditional structures within the habitat protection district.
3. Placement of riprap in Cooper Landing location (20 cubic yards of Type 2), and placement of riprap in Anchor Point Location(s) (62 Cubic Yards of Type 2).
4. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
5. 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.
6. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
7. 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.
8. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
9. The River Center found the application complete and scheduled a public hearing for June 27, 2022.
10. Agency review was distributed on June 10, 2022. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on June 10, 2022. A total of 11 mailings were sent. No comments have been received.
12. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on Jun 16, 2022 and June 23, 2022.
13. 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, Anchor River and Two Moose Creek.
2. The embankment enlargement 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)).

Attachments

Multi-Agency Application
Draft Resolution 2022-24

Recommendation

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

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2022-24

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



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Transportation
and Public Facilities**

DESIGN & ENGINEERING SERVICES
PRELIMINARY DESIGN & ENVIRONMENTAL

PO Box 196900
Anchorage, Alaska 99519-6900
Main: 907.269.0542
Toll Free: 800.770.5263
TDD: 907.269.0473

April 19, 2022

Project: HSIP: Central Region Guardrail Inventory and Upgrade
Project No.: CFHWY00564

Samantha Lopez
Kenai River Center Manager
514 Funny River Road
Soldotna, AK 99669

Subject: HSIP: Central Region Guardrail Inventory and Upgrade

Dear Ms. Lopez,

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to repair, rehabilitate, or replace guardrail segments and bring the existing guardrail runs, end terminals, and hardware up to current safety standards. This project encompasses the entire Central Region, and many locations are within the Kenai Peninsula Borough. A Kenai River Center (KRC) Multi-Agency Permit Application is being submitted to your office because elements of the proposed project require work within 50 feet of anadromous water bodies and within Zone AE/Zone D floodplains. The purpose of the project is to increase roadside safety by bringing deficient guardrails into conformance with current standards.

Project Description

The project has evaluated existing guardrails along multiple routes in Central Region and is proposing to update or replace any guardrail segments not meeting the current Alaska Department of Transportation and Public Facilities (DOT&PF) and Federal Highway Administration (FHWA) standards. Project improvements may include the following activities:

- Milling and paving
- Digouts
- Embankment reconstruction and stabilization
- Updating guardrail to meet current safety standards
- Utility relocation
- Replacing roadside hardware, end terminals, and signage
- Drainage improvements
- Vegetation clearing and grubbing

"Keep Alaska Moving through service and infrastructure."

Impact Summary

Several locations have been identified where the guardrail does not meet length requirements and needs to be extended. To extend the guardrail, select embankments need to be widened (Table 1). The proposed project would place 37 cy of fill (riprap, borrow, topsoil) over 0.037 acres of wetlands in order to widen select embankments and extend the length of guardrail. Impact details are provided in the attached Supplemental Information Sheet and permit figures.

Permits Required

The following permits are anticipated for construction of the proposed project: KPB floodplain permit, KPB Permit to authorize work within designated Habitat Protection Area (as work will be conducted within 50 ft of an anadromous water body). Project work in wetlands and other waters of the US has been authorized under USACE NWP 3 – Maintenance.

If you have any questions or require additional information, please contact me at 907.269.0535 or amber.cozad@alaska.gov, or Chris Bentz, P.E., Project Manager at 907.269.0652 or chris.bentz@alaska.gov.

Sincerely,



Amber Cozad

Enclosures: Kenai River Center Multi-Agency Permit Application
KRC Multi-Agency Permit Supplemental Information Sheet

Figure 1: Location and Vicinity Map

Figure 2-7: Wetland Involvement Figures

Table 1: Location of Guardrail and End Terminals Recommended for Repair or Replacement

Table 2: Guardrail Extension Locations by Roadway

Table 3: Locations of Work within 50 Feet of Anadromous Waterways

Cc: Chris Bentz, P.E. Project Manager



Applicant Information:

Agent Information: (if applicable)

Name: _____

Mailing: _____

Phone: _____

Email: _____

KPB Parcel ID:	N/A	
Physical Address:	See Supplemental Information	
Waterbody Name:	See Supplemental Information	
River Mile:	Riverbank: looking downstream	<input type="checkbox"/> Right <input type="checkbox"/> Left

Subdivision: N/A

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

Directions to site: N/A

☐ \$100 - ADNR State Parks Permit ☐ \$300 - KPB Conditional Use Permit

☒ \$50 - KPB Habitat/Floodplain Permit ☐ \$300 - KPB Floodway Development Permit

☐ New Project

OR

□ Extension

☐ Amendment

to RC#

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

See Supplemental Information.

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

Elevated Light Penetrating Structure(s)	\$ <u>N/A</u>
Bank or Habitat Restoration & Protection	\$ <u>N/A</u>
Other Activities	\$ <u>N/A</u>

Project Questions:

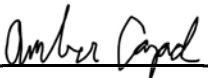
Note: Use Ordinary High Water (OHW) for non-tidal waters, and Mean High Tide (MHT) for tidal waters.

1. Start date: Spring 2023 End date: Fall 2024 Estimated Days of Construction: 240
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: _____ Type of Material: _____
Location you will depositing fill: _____
8. Will any material (including soils, debris, and/or overburden) be used as fill? ☒ Yes ☐ No
Type of material: See Sup. Info Amount: 0.037 acres 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: See Supplemental Information
10. Is any portion of the work already complete? ☐ Yes ☒ No
If yes, describe: _____

Signature & Certification:

This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge.

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


Applicant Signature (required)

4/19/2022
Date

Agent Signature (if applicable)

Date

KENAI RIVER CENTER MULTI-AGENCY PERMIT APPLICATION SUPPLEMENTAL INFORMATION SHEET

Project: HSIP: Central Region Guardrail Inventory and Upgrade

PROJECT LOCATION

The proposed project encompasses the entire Central Region with multiple locations in the Kenai Peninsula Borough (Figure 1). Table 1 lists the locations of guardrail and end terminals that are proposed for repair or replacement. Table 2 lists the locations where guardrail extension and embankment widening are proposed.

PROJECT DESCRIPTION

Proposed Improvements

The proposed project will update or replace any guardrail segments not meeting the current Alaska Department of Transportation and Public Facilities (DOT&PF) and Federal Highway Administration (FHWA) standards in the Central Region. Project improvements may include the following activities:

- Milling and paving
- Digouts
- Embankment reconstruction and stabilization
- Updating guardrail to meet current safety standards
- Utility relocation
- Replacing roadside hardware, end terminals, and signage
- Drainage improvements
- Vegetation clearing and grubbing

Wetlands Involvement and Fill and Dredging Activities

The project has been designed to avoid work within wetlands and other waters of the US (OWUS) to the maximum extent practicable; however, minor wetland involvement was necessary to meet the project's purpose and need. The proposed project would permanently place up to 37 cubic yards (cy) of fill (riprap, borrow, topsoil) over 0.037 acres of wetlands in order to widen the embankments in two locations. At milepoint (MPT) 111.0 of the Sterling Highway, the project would widen the embankment by 2.5 feet and place fill in approximately 0.001 acres of wetlands (Figures 2-4). At MPT 120.5 of the Sterling Highway, the project would widen the embankment by 11.5 feet and place fill in approximately 0.036 acres of wetlands (Figures 5-7).

Water Body Involvement and Vegetation Clearing

The proposed project does not include any work below OHW. The project encroaches into the Flood Zone AE associated with Anchor River at MPT 120.5 of the Sterling Highway (Figures 5-7). The guardrail would be extended by 125 feet and widen the embankment by 11.5 feet. The project will not raise base flood elevations or have a significant impact to the floodplain.

Table 3 lists the work locations in the KPB within 50 feet of anadromous waterbodies. At most locations within 50 feet of an anadromous waterbody, the existing guardrail will be replaced in-kind, without improving or expanding the embankment. Vegetation clearing at these sites is anticipated to extend approximately 10 feet behind the guardrail, and expected to be within currently maintained areas without

trees. Five locations require embankment widening in order to lengthen the guardrail to meet current standards. Vegetation clearing in these areas is anticipated to extend 10 feet beyond the limits of disturbance. Only the minimum amount of vegetation will be removed. Although tree removal is not anticipated, a minimal number of trees within 50 feet of anadromous waterbodies may need to be removed. If this becomes necessary, more trees would be planted at a 2:1 ratio relative to trees removed. The contractor will be responsible for clearing during the appropriate windows and revegetating as needed. The total area to be cleared has been estimated at about 1 acre.

Vegetation clearing will follow the US Fish and Wildlife Service *Recommended Time Periods for Avoiding Vegetation Clearing in Alaska* in order to protect migratory birds, unless otherwise allowed and approved by the Project Engineer.

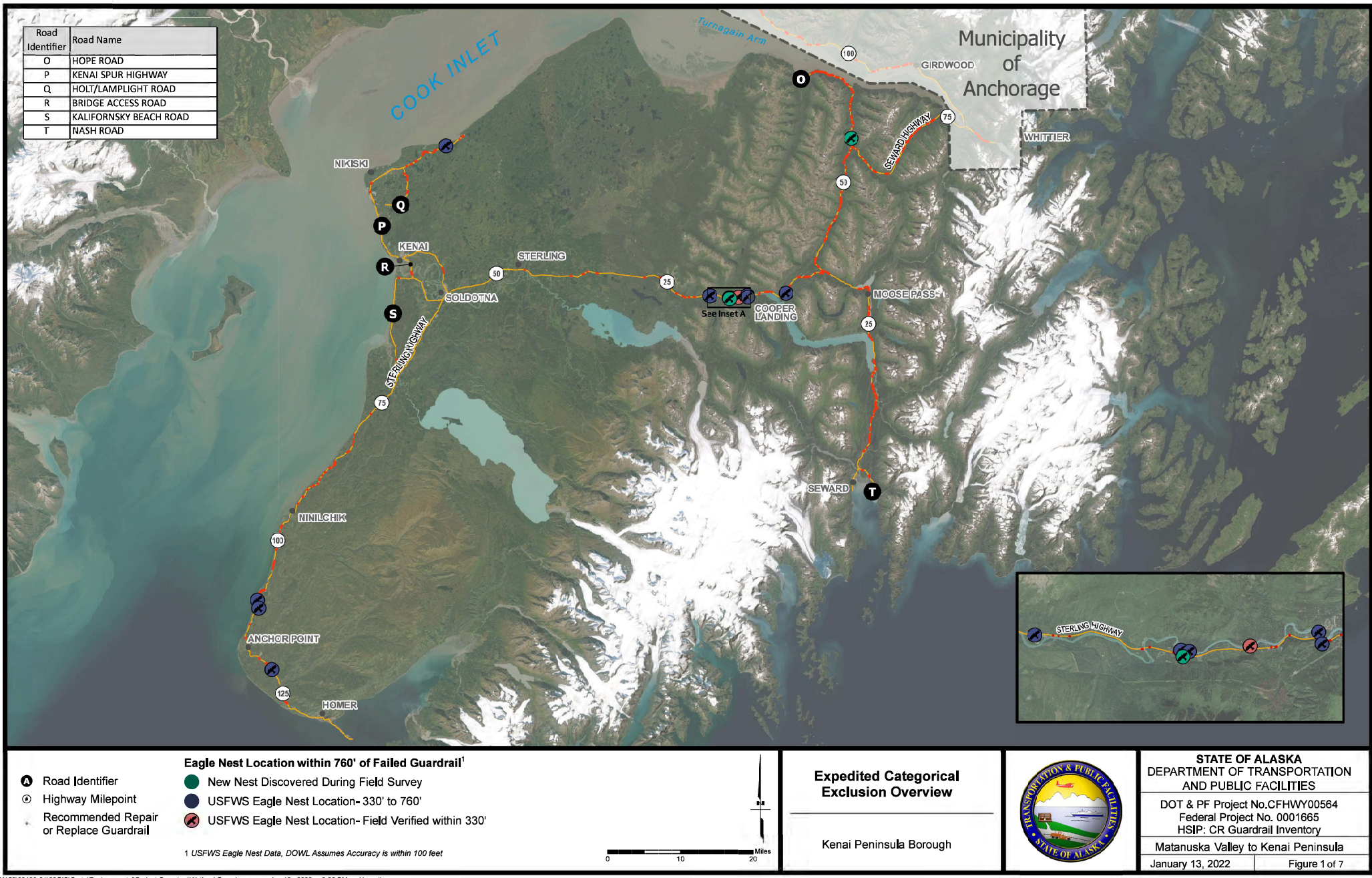
Construction Methods and Types of Equipment

Construction means and methods as well as project phasing will be determined by the Contractor. All temporary fill or structures placed in jurisdictional areas would be removed after construction and the site will be restored to as close to preconstruction conditions as possible. Disturbed areas will be revegetated as appropriate.

The Contractor will be responsible for determining the type and quantity of construction equipment necessary to complete the project and will be expected to use standard construction, excavation, and blasting methods and equipment. Equipment and vehicle fueling and/or maintenance would be done offsite as much as possible. Fueling and maintenance areas, as well as the types and quantities of fuel stored on the site, will be determined by the Contractor. Spill kits appropriate to respond to the hazards on site will be present at all times.

The Contractor will prepare a Storm Water Pollution Prevention Plan (SWPPP) for the project that follows the general guidance provided by the DOT&PF's Erosion and Sediment Control Plan (ESCP). The SWPPP will identify Best Management Practices intended to minimize erosion and sedimentation of adjacent surface waters during construction. The SWPPP will also include fuel storage locations, quantities, and the types of fuel to be used on the project. When dewatering or diversion is required, the Contractor would secure a Temporary Water Use Authorization from the Alaska Department of Natural Resources (ADNR).

As appropriate, disturbed areas will be covered in topsoil and reseeded with species recommended for the region by ADNR's A Revegetation Manual for Alaska. Temporary erosion and sediment control measures such as fiber rolls and temporary seeding would be used to stabilize disturbed soils until final stabilization is achieved.



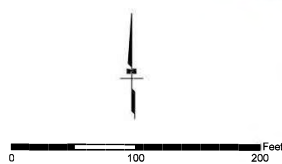
K:\50163129-01\60GIS\Carto\Environmental\Project Overview\Wetland Overview.aprx Jan 13, 2022 3:06 PM User: ljameson
Service Layer Credits: World Imagery: Earthstar Geographics



Additional Areas Mapped

- Upland
- DOT&PF ROW
- Cook Inlet Wetland

- # DOT&PF Milepost



Wetland Areas Mapped

Matanuska Susitna Borough,
Municipality of Anchorage, &
Kenai Peninsula Borough

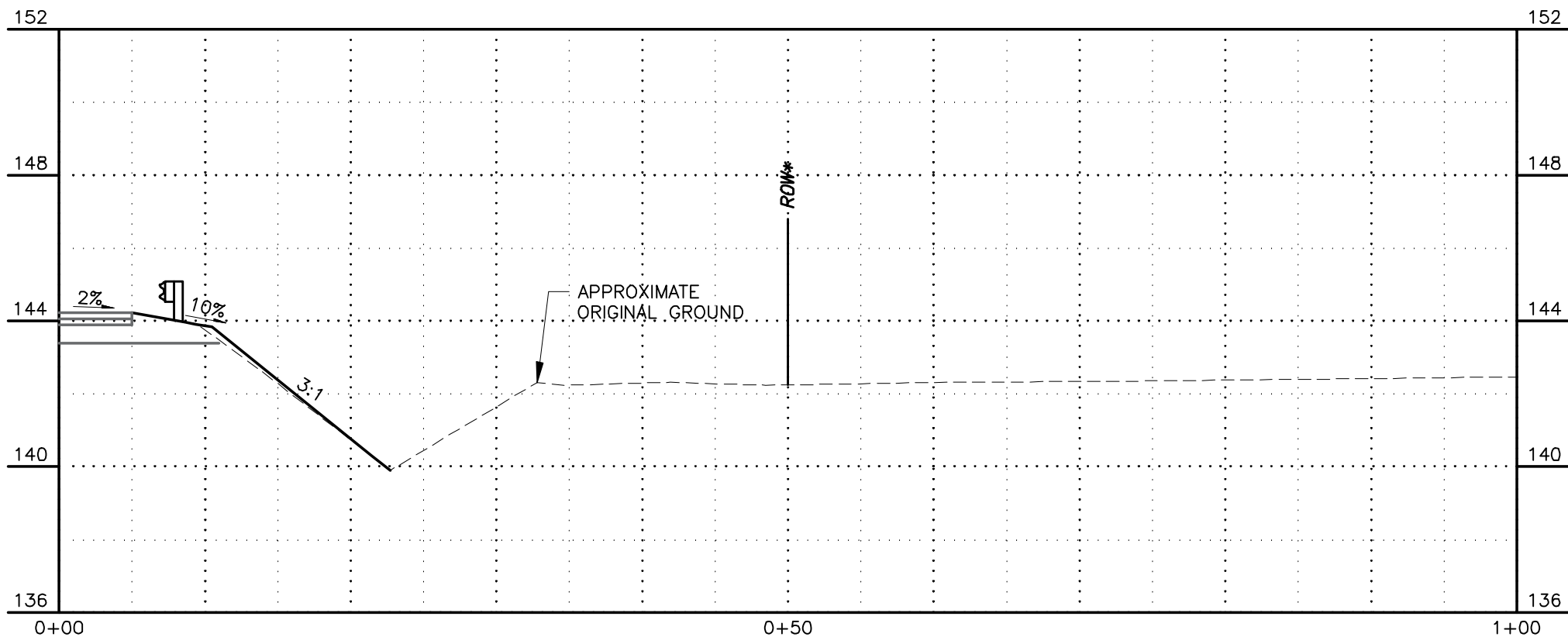


**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**

DOT & PF Project No. CFHWY00564
Federal Project No. 0001665
HSIP: CR Guardrail Inventory

Matanuska Valley to Kenai Peninsula

January 13, 2022 Figure 2 of 7



MPT 111.0

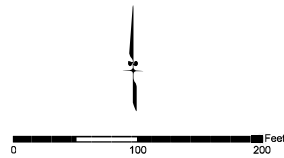
*ROW LOCATED 50' FROM EDGE OF PAVEMENT



Additional Areas Mapped

Wetland

- DOT&PF Milepost
- DOT&PF ROW
- Cook Inlet Wetland



Wetland Areas Mapped

Matanuska Susitna Borough,
Municipality of Anchorage, &
Kenai Peninsula Borough



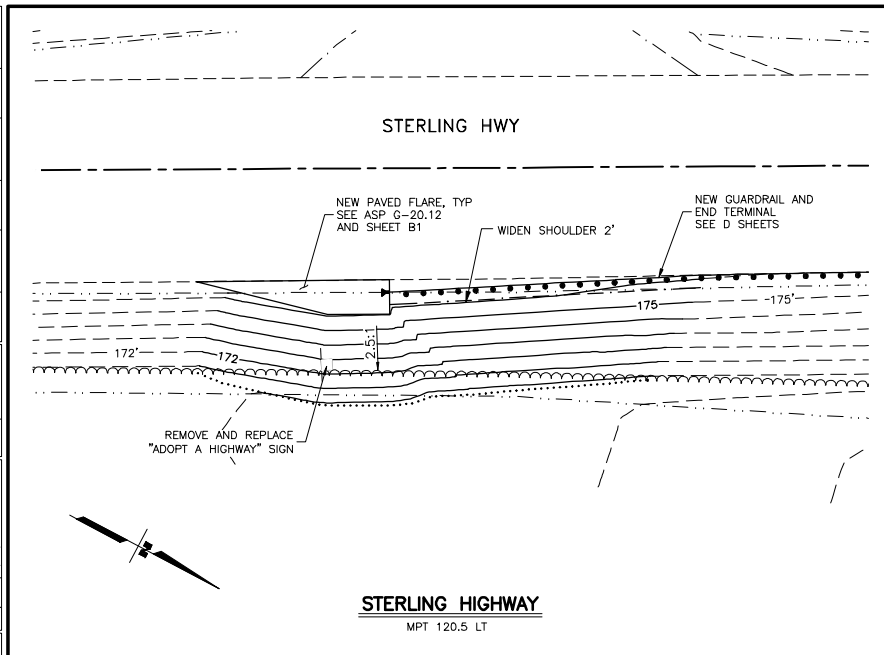
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. CFHWY00564
Federal Project No. 0001665
HSIP: CR Guardrail Inventory

Matanuska Valley to Kenai Peninsula

January 13, 2022

Figure 5 of 7



SHEET NO.	TOTAL SHEETS
G11	G11
STATE	YEAR
ALASKA	2022
PROJECT DESIGNATION	
TBD/CFHWY00938	
NO.	REVISION
DATE	
NO.	REVISION
DATE	
NO.	REVISION
DATE	
Figure 7 of 7	
PLANS DEVELOPED BY: LOUNSBURY & ASSOCIATES, INC.	
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES HSIP: CR GUARDRAIL INVENTORY AND UPGRADE (SOUTH) STERLING HIGHWAY MPT 120.5 LT	

Table 1: Location of Guardrail and End Terminals Recommended for Repair or Replacement by Route, Milepoint (MPT), and Lounsbury and Associates, Inc. (LAI)
Identification number (ID) for Guardrail Segments and End Terminals, and Recommendations (**Bold** denotes guardrail end terminals which may need to be extended to meet length of need standard and *italic* denotes additional guardrail proposed for repair or replacement)

Route Name	MPT	Failing Guardrail Segments LAI IDS	Failing End Terminals LAI IDS	Recommendations
Big Lake Road	0.1	N/A	2407	Replace end terminal
Bogard Road	4.1 to 9.4	5259, 5261, 5264, 5267, 5268, 5269, 5270, 5271, 5272	2436, 2438, 2441, 2442, 2443 , 2440, 2429 , 2430, 2428, 2427, 2426, 2434 , 2424, 2433, 2432 , 2431, 2432, 2422, 2421, 2420	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair
Bridge Access Road	2.5 to 2.8	5636	3082, 3084, 3078, 3080	Replace bridge connection, maintenance repair, replace entire segments, and replace end terminal
C Street	6.1	5019	N/A	Replace guardrail
East Seldon Extension	4.9 to 5.0	N/A	2681	Replace end terminal
Fairview Loop Road	1.3 to 8.4	5254, 5253, 5252, 5258,	2418, 2416, 2417, 2415, 2413, 2109, 2411, 2412, 2408, 2410	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair

Glenn Highway	0 to 36.3, 41.3 to 84.6, 92.7 to 109.9	5001, 5003, 5005, 5006, 5008, 5035, 5036, 5037, 5038, 5039, 5043, 5044, 5045, 5046, 5049, 5050, 5051, 5052, 5055, 5056, 5059, 5064, 5065, 5072, 5074, 5076, 5086, 5087, 5089, 5090, 5095, 5101, 5102, 5103, 5104, 5108, 5124, 5126, 5127, 5128, 5130, 5131, 5132, 5133, 5134, 5135, 5137, 5138, 5139, 5143, 5144, 5145, 5148, 5150, 5151, 5153, 5154, 5155, 5156, 5158, 5163, 5165, 5168, 5173, 5181, 5184, 5188, 5199, 5200, 5208, 5209, 5210, 5212, 5215, 5216, 5220, 5221, 5223, 5225, 5226, 5228, 5237, 5243, 5249, 5250, 5152, 5164, 5504, 5507, 5521, 5537, 5539, 5540, 5541, 5542, 5544, 5545, 5546, 5547, 5549, 5557, 5565, 5567, 5569, 5570, 5572, 5573, 5574, 5575, 5577, 5580, 5582, 5584, 5586, 5593, 5594, 5596, 5611, 5615, 5617, 5618, 5621, 5622, 5623, 5626, 5631, 5632, 5633, 5634, 5509, 5512, 5516	2005, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2057, 2058, 2059, 2060, 2065, 2066, 2067, 2068, 2070, 2071, 2072, 2074, 2075, 2077, 2079, 2087, 2089, 2092, 2093, 2095, 2096, 2097, 2101, 2103, 2104, 2105, 2108, 2109, 2112, 2113, 2116, 2117, 2118, 2119, 2120, 2126, 2128 , 2129, 2130 , 2133, 2134, 2135 , 2136, 2137, 2138, 2139, 2140, 2141, 2143, 2145, 2147, 2153, 2154, 2157, 2158, 2160, 2161, 2164, 2165, 2166, 2167, 2169, 2174 , 2178, 2179, 2180 , 2184, 2185, 2187, 2188 , 2192, 2194, 2198, 2200 , 2202, 2204, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2216, 2218, 2219, 2221, 2222, 2223, 2224, 2225, 2226, 2228 , 2229, 2232, 2233, 2234, 2235, 2236, 2238 , 2239, 2241, 2243 , 2246, 2247, 2248, 2249, 2254, 2255, 2256, 2260, 2262, 2263, 2264, 2268, 2269, 2273, 2274 , 2280, 2281, 2283 , 2289, 2290, 2291, 2292 , 2293, 2294, 2296, 2297 , 2298, 2299, 2300, 2159, 2186, 2213, 2258, 2261, 2266, 2270, 2303 , 2304, 2305, 2307, 2308 , 2312, 2326, 2330, 2331, 2333, 2336, 2337, 2341, 2344, 2345, 2346, 2347, 2350, 2351, 2353, 2354, 2355, 2362, 2363, 2366, 2367, 2369, 2373, 2376, 2379, 2380, 2382, 2383, 2386, 2387, 2388, 2391 , 2393, 2395, 2397, 2399, 2403, 2404, 2318, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2868, 2869 , 2870, 2873, 2875, 2876, 2879, 2881, 2889, 2892, 2893, 2896, 2897 , 2898, 2899 , 2900, 2901 , 2902, 2903, 2904, 2905 , 2906, 2908, 2909, 2910, 2911, 2914, 2915, 2922, 2925, 2926 , 2927, 2928, 2929, 2930, 2931, 2939, 2941, 2942, 2944, 2945, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2957, 2958, 2959, 2960, 2961, 2962, 2964, 2965, 2966 , 2969, 2970, 2971, 2972, 2974, 2977, 2978 , 2979, 2980 , 2981, 2982, 2983 , 2985, 2986, 2987, 2988 , 2989, 2990 , 2991, 2992, 2994 , 2996, 2997, 3002, 3004, 3007, 3010, 3011, 3012, 3014, 3016 , 3017, 3020 , 3021, 3023, 3026 , 2037, 3030, 3031, 3032, 3040, 3041, 3042, 3043 , 3044, 3046, 3048, 3050, 3052, 3053, 3054, 3055 , 3056, 3057 , 3058, 3060, 3061, 3062, 3063 , 3064, 3065, 3068 , 3069, 3070 , 3071, 3072, 3073, 3074, 3076 , 2842, 2855, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2148, 2172, 2244, 2220, 2240, 2214, 2168, 2286, 2073, 2091, 2124, 2328, 2385, 2309, 2932, 2967, 3034, 3006, 3015, 3013, 3019, 3018, 3022, 3024,	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair
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Holt/ Lamplight Road	0.9 to 4.0	6060, 6061, 6069, 6079	3804, 3803, 3794, 3795, 3805, 3807, 3809, 3798 , 3812, 3813, 3802	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair
Hope Road	0.8 to 14.9	5434, 5435, 5438, 5439, 5444, 5445, 5452, 5453, 5454, 5455, 5460	2700, 2701, 2702, 2703, 2704, 2705, 2706 , 2707, 2708 , 2709, 2710, 2711, 2713, 2715, 2716 , 2717, 2718 , 2719, 2720 , 2721, 2722 , 2723, 2724 , 2725, 2726 , 2729, 2731, 2732 , 2734, 2735, 2736 , 2737, 2739, 2740, 2742 , 2743, 2744 , 2746, 2747, 2748 , 2750 , 2751, 2752, 2753, 2754 , 2755, 2756 , 2758 , 2759, 2760 , 2762 , 2763 , 2764 , 2765, 2766 , 2767, 2768 , 2769, 2770, 2771, 2772 , 2773 , 2775, 2776 , 2777, 2712, 2714, 2727, 2728, 2730, 2733, 2738, 2745, 2749, 2757, 2761, 2774,	Replace entire segments, replace end terminals, and maintenance repair
International Airport Road	0.3 to 1.7	5471, 5473, 5474, 5477	2781 , 2791	Replace entire segments, replace end terminal, replace guardrail, and maintenance repair
Kalifornsky Beach Road	2.5 to 2.6, 14.1 to 14.2	6290, 6291	4115, 4111	Replace guardrail, replace end terminal, and maintenance repair
Kenai Spur Highway	3.2 to 6.1, 21.8 to 23.2, 28.7 to 38.2	6052, 6058, 6055, 6293, 6294, 6307, 6295, 6296, 6309, 6297, 6312, 6299, 6313, 6314, 6300, 6303, 6317	3782, 3783, 3790, 3791, 3786, 3787, 3789, 4139, 4140, 4118, 4119, 4142, 4144 , 4120, 4121, 4122, 4145 , 4123, 4146, 4149 , 4150, 4151, 4124, 4125, 4126, 4127, 4152, 4155, 4130 , 4156, 4158, 4131 , 4133, 4132 , 4134 , 4135, 4136, 4161, 4163, 4137	Replace entire segment, maintenance repair, and replace end terminal
Knik River Road	0.3 to 11.0	5483, 5488	2803, 2804, 2808, 2807, 2818, 2819	Maintenance repair and replace end terminal

Knik-Goose Bay Road	12.2 to 16.1	5500, 5490, 5491, 5492, 5493, 5495	2820, 2823, 2821, 2822, 2830, 2831, 2832, 2834 , 2835, 2838, 2836, 2837, 2824, 2827, 2825, 2841 , 2839	Replace entire segments, replace end terminal, and maintenance repair
Nash Road	0.5 to 2.1	5384, 5386	2609 , 2610, 2611, 2623 , 2624, 2612 , 2615, 2616, 2627, 2628, 2617 , 2625 , 2626, 2629, 2619, 2631, 2620, 2632, 2621,	Replace end terminal, maintenance repair, and replace entire segment
Old Glenn @ Palmer	13.0 to 17.4	5393, 5394, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5397, 5411, 5412, 5413, 5399, 5416	2651, 2635, 2652, 2637, 2656, 2663, 2666, 2668, 2643, 2648, 2672, 2673, 2671, 2674 , 2650, 2653, 2667, 2670	Replace entire segment, replace guardrail, and maintenance repair
O'Malley Road	0.43 to 3.83	521, 5028, 5022, 5022, 5027, 5026, 5025, 5023, 5024	2056, 2041, 2042, 2055, 2043, 2054, 2044, 2053, 2052, 2051, 2050, 2049, 2045, 2048, 2046, 2047	No repair or replacement recommended because the O'Malley Road Reconstruction Project will remove all existing guardrail
Palmer-Fishhook Road	2.6 to 8.4	N/A	2685, 2684, 2694, 2698, 2695, 2697, 2693, 2688, 2690 , 2686	Replace end terminal and maintenance repair

Parks Highway	0 to 4.5, 10.0 to 39.4, 45.6 to 108.7, 124.6 to 128.1	5883, 5887, 5888, 5884, 5866, 5869, 5873, 5874, 5897, 5899, 5361, 5376, 5375, 5378, 5368, 5369, 5370, 5367, 5365, 5377, 5362, 5363, 5364, 5875, 5878, 5903, 5904, 5905, 5907, 5910, 5913, 5918, 5921, 5924, 5925, 5932, 5933, 5934, 5935, 5937, 5938, 5939, 5942, 5944, 5947, 5948, 5950, 5955, 5958, 5960, 5961, 5962, 5963, 5964, 5965, 5966, 5967, 5968, 5906, 5880, 5882, 5970, 5973, 5975, 5976, 5977, 5978, 5985, 5990, 5994, 5997, 5999, 6000, 6001, 6002, 6005, 6006, 6009, 6012, 6017, 6018, 6021, 6024, 6027, 6028, 6029	2569, 2571, 2583, 2584, 2585, 2586, 2590, 2592, 2592, 2593, 2594, 2597, 2598, 2601, 2602, 2603, 2605, 2606, 2607, 2568, 2578, 2581 , 3438, 3439, 3441, 3442, 3444, 3445, 3448, 3454, 3457, 3462, 3463, 3464, 3465, 3466, 3468, 3469, 3471, 3474, 3475, 3479, 3483 , 3485 , 3486, 3488, 3489, 3491, 3492, 3493, 3498, 3503, 3504, 3505, 3507 , 3508, 3509, 3513, 3516, 3517, 3518, 3520, 3521, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3532, 3533, 3534, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3590, 3591, 3592, 3593, 3595, 3596, 3598, 3600, 3602, 3603, 3604, 3605, 3607, 3608, 3609, 3610, 3612, 3613, 3614, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3629 , 3630, 3631, 3633, 3636, 3642, 3643, 3649, 3650, 3651, 3652, 3653, 3654, 3656, 3657, 3658, 3659, 3660, 3663, 3666, 3667 , 3668, 3673, 3674, 3675, 3677, 3678, 3680, 3681, 3682, 3683, 3686, 3690, 3691, 3692, 3693, 3695, 3696, 3697, 3698, 3699, 3700, 3704, 3707, 3708, 3711, 3712, 3715, 3718, 3719, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3730, 3731, 3732 , 3733, 3734 , 3735 , 3736, 3737, 3738, 3739, 3740, 3741, 3496, 3472, 3535,	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair
Portage Glacier Road	1.9 to 4.1	5859, 5858, 5857, 5861, 5863	3420, 3436, 3435, 3419 , 3416, 3411, 3412, 3422, 2423, 3424, 3433, 3425, 3429, 3431, 3409, 3413, 3421, 3428, 3432,	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair

Seward Highway	6.0 to 19.5, 22.4 to 31.2, 35.9 to 74, 89.7 to 98.9, 104.2 to 114.3	5321, 5323, 5290, 5324, 5325, 5312, 5328, 5311, 5319, 5329, 5288, 5287, 5333, 5334, 5286, 5335, 5331, 5330, 5332, 5308, 5285, 5341, 5306, 5343, 5284, 5344, 5350, 5303, 5302, 5301, 5279, 5280, 5278, 5277, 5297, 5294, 5706, 5745, 5746, 5747, 5748, 5749, 5750, 5752, 5755, 5758, 5759, 5760, 6762, 6763, 5766, 5767, 5769, 5740, 5720, 5729, 5716, 5730, 5741, 5731, 5708, 5709, 5735, 5711, 5712, 5736, 5713, 5714, 5738, 5715, 5717, 5773, 5774, 5777, 5779, 5781, 5782, 5784, 5787, 5788, 5791, 5792, 5796, 5797, 5798, 5801, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5814, 5819, 5820, 5821, 5822, 5824, 5825, 5826, 5827, 5828, 5829, 5831, 5832, 5834, 5837, 5838, 5841, 5846, 5847, 5849, 5852, 5854, 5856, 6236, 6237, 6238, 6244, 6245, 6246, 6253, 6254, 6256, 6257, 6259, 6260, 6261, 6263, 6264, 6265, 6268, 6269, 6271, 6272, 6277, 6278, 6279, 6280, 6284, 6285, 6286	2450, 2451, 2452, 2453, 2521 , 2522, 2523 , 2524, 2468, 2528, 2504, 2505 , 2506, 2507, 2508, 2513, 2516, 2518, 2519, 2520, 2529 , 2503 , 2530, 2465 , 2502, 2501 , 2531 , 2532, 2533 , 2534, 2535, 2464, 2500 , 2538, 2540, 2541 , 2542, 2499, 2498, 2496 , 2497, 2495, 2461 , 2494, 2493 , 2547, 2491, 2492, 2550 , 2551, 2460, 2553, 2554, 2457, 2458, 2459, 2463, 2471, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2486, 2487, 2488, 2489, 2490 , 2563, 2564, 2566, 2567, 2455, 2454, 3200, 3201, 3202, 3210, 3209, 3208, 3211, 3242, 3212, 3241, 3243, 3215, 3239, 3199, 3237, 3238, 3203, 3218, 3219, 3191 , 3220 , 3221 , 3192, 3193, 3194 , 3224, 3195 , 3196 , 3225, 3226, 3198, 3227, 3228, 3230, 3244, 3245, 3246, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3256, 3260, 3261, 3262, 3263, 3264, 3265 , 3266, 3267, 3268, 3269, 3271, 3272, 3273, 3274, 3277, 3278, 3280, 3282, 3283, 3284, 3286, 3287, 3288, 3289, 3290, 3293, 3295, 3297, 3298, 3300, 3301, 3302, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311 , 3312, 3313, 3314, 3315, 3316, 3318, 3319, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332 , 3333, 3334, 3335 , 3336, 3337, 3338, 3339, 3340, 3341, 3342 , 3345 , 3347, 3348, 3350, 3352, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365 , 3366, 3369, 3371, 3373, 3374, 3375, 3376, 3377 , 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3389, 3391, 3392, 3393, 3394, 3395, 3396 , 3397, 3398, 3403, 3404, 3405, 3406, 3407, 3408, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4043, 4049, 4052, 4053, 4057, 4058, 4059, 4060, 4062, 4063, 4064, 4065, 4067, 4072, 4073, 4074, 4077, 4079, 4081, 4086, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4097, 4098, 4100, 4101, 4102, 4104, 4106, 4107, 4108, 4110, 2525, 2552, 2556, 2557, 3223, 3259, 3387,	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair
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Sterling Highway	0.5 to 7.2, 14.0 to 38.9, 77.4, 81.1 to 104.3, 107.5 to 115.2, 119.2 to 121.7, 126.6 to 126.9	5639, 5642, 5653, 5659, 5661, 5662, 5663, 5664, 5665, 5669, 5672, 5674, 5677, 5678, 5683, 5684, 5687, 5688, 5690, 5692, 5693, 5694, 5696, 5700, 5701, 5704, 6117, 6123, 6128, 6130, 6133, 6171, 6177, 6179, 6183, 6191, 6192, 6193, 6194, 6195, 6198, 6200, 6203, 6205, 6209, 6210, 6211, 6213, 6215, 6218, 6227, 6223, 6225, 6080, 6132, 6115, 6092, 6094, 6113, 6100, 6102, 6144, 6103, 6155, 6145, 6146, 6112, 6147, 6105, 6154, 6148, 6106, 6150, 6153, 6109, 6107, 6108, 6149	3086, 3087, 3089 , 3090, 3091, 3092, 3093, 3095, 3097 , 3099 , 3100, 3101 , 3103, 3104, 3107, 3108, 3110, 3113 , 3114, 3116, 3117, 3118 , 3120 , 3121, 3124, 3125, 3126, 3127 , 3128, 3131, 3132, 3136 , 3137, 3138, 3139, 3140, 3141, 3145, 3146, 3147, 3149, 3150, 3151, 3153, 3160, 3161, 3163, 3165, 3167, 3168, 3169, 3170, 3171, 3172, 3177, 3179, 3182, 3184, 3186, 3833, 3834 , 3835, 3836, 3837, 3838, 3841, 3842 , 3843, 3844, 3845 , 3846, 3847, 3849, 3850, 3851 , 3582, 3856, 3857, 3858 , 3859, 3862 , 3864, 3865, 3866, 3867, 3868, 3869, 3870, 3871, 3872, 3874, 3875, 3876, 3877, 3879, 3880, 3881, 3887, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3900, 3901, 3902, 3903, 3904 , 3905, 3906, 3907, 3910, 3912 , 3913 , 3915, 3917, 3920 , 3921, 3922, 3923, 3925 , 3927 , 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3946, 3953, 3954, 3955, 3956, 3957, 3959, 3960, 3961, 3964, 3965, 3966, 3956, 3957, 3959, 3960, 3961, 3976 , 3986, 3987, 3990, 3993, 4032, 3964, 3965, 3966, 4006 , 4031, 3995, 4020, 4021, 4023, 4024, 4026, 4029, 4008, 4009, 4010, 3891, 4011 , 4017, 3994, 3989, 3860, 3852, 3854, 3916	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair
Talkeetna Spur Road	5.1 to 5.5	6051	3780, 3781	Replace entire segment
Trunk Road	0.8 to 0.9	6030, 6031, 5418	3743, 3744, 3746, 2676, 2679, 2677	Replace end terminal and replace guardrail
Willow Fishhook Road	16.6 to 31.2	6046, 6050	3757 , 3748, 3759, 3760 , 3762 , 3763 , 3765, 3747, 3749, 3750, 3751, 3755, 3766, 3767, 3768, 3769, 3770, 3772, 3773, 3775, 3776, 3778, 3779	Replace entire segments, replace end terminals, replace guardrail, and maintenance repair

Table 2: Guardrail Extension to Meet Safety Standard for Length of Need and Requires Embankment Widening with Summary of Potential Impacts to Resources [Floodplains, Wetlands, and Cultural Resources (Alaska Heritage Resource Survey Review)] by Roadway

Roadway Name	LAI #	Extend End Terminal (ft)	Widen Embankment (ft)	Within Existing Disturbance (i.e., ditch-to-ditch) ¹	Floodplain Impact	Flood Zone	Wetland Impact	Area (ac)	AHRS Present	AHRS #
Bogard Road	2431	100	5	Y	N	-	N	0.000	N	-
	2091	100	2	Y	N	-	N	0.000	N	-
	2188	175	2	Y	N	-	N	0.000	N	-
	2220	87.5	3	N	N	-	N	0.000	N	-
	2228	50	1	N	N	-	N	0.000	N	-
	2238	275	12	N	N	-	N	0.000	N	-
	2283	187.5	4	Y	N	-	N	0.000	N	-
	2303	150	5	Y	N	-	N	0.000	N	-
	2305	187.5	5	Y	N	-	N	0.000	N	-
	2328	100	2	Y	N	-	N	0.000	N	-
	2391	200	5	Y	N	-	N	0.000	N	-
	2869	37.5	5.5	Y	N	-	N	0.000	N	-
	2897	87.5	7	N	N	-	Y	0.014	N	-
	2965	100	3.5	N	N	-	N	0.000	N	-
	2980	125	1	N	N	-	N	0.000	N	-
	2983	37.5	1	Y	N	-	N	0.000	N	-
	2994	50	0	Y	N	-	N	0.000	N	-
	3055	50	1	Y	N	-	N	0.000	N	-
	3074	25	4	N	N	-	N	0.000	N	-
	3076	125	1	Y	N	-	N	0.000	N	-
Hope Road	2712	75	6	N	N	-	N	0.000	Y	SEW-01008, SEW-00366
	2726	125	3	Y	N	-	N	0.000	N	-
	2730	50	0	V	N	-	N	0.000	Y	SEW-00366
	2744	50	16	N	N	-	N	0.000	N	-
	2748	100	3	Y	N	-	N	0.000	N	-
	2754	75	4	N	N	-	N	0.000	N	-
	2768	162.5	3	Y	N	-	N	0.000	N	-
	2772	87.5	10	N	N	-	N	0.000	N	-
	2773	50	2	Y	N	-	N	0.000	Y	SEW-00366

¹ Y equals Yes, N equals No, and V equals activities consist of vegetation clearing up to 37 feet beyond new guardrail extended to access approach

	2776	112.5	2	Y	N	-	N	0.000	N	-
Kenai Spur	4132	50	0*	V	N	-	N	0.000	N	-
Knik River	2819	125	17	N	N	-	N	0.000	N	-
Old Glenn Highway	2653	87.5	3	N	N	-	N	0.000	N	-
Parks Highway	3629	50	0	V	N	-	Y	0.007	N	-
	3667	125	4.5	N	N	-	N	0.000	N	-
Portage Glacier	3409	125	2	Y	Y	D	N	0.000	N	-
	3421	125	10	N	Y	D	N	0.000	N	-
	3413	112.5	2	N	Y	D	Y	0.000	N	-
Seward Highway	3195	100	15	N	N	-	N	0.000	Y	SEW-00573
	3220	100	1	Y	N	-	N	0.000	N	-
	3311	50	1	Y	N	-	N	0.000	Y	SEW-01224
	3136	200	20	N	N	-	N	0.000	Y	KEN-00156
	3845	112.5	6	N	Y	D	N	0.000	N	-
	3858	50	0	V	Y	D	N	0.000	N	-
Sterling Highway	3862	75	2.5	Y	Y	D	Y	0.001	N	-
	3904	112.5	5.5	Y	Y	D	N	0.000	N	-
	3912	137.5	2.5	Y	Y	D	N	0.000	N	-
	3920	125	11.5	N	Y	AE, D	Y	0.036	N	-
	3925	125	3.5	Y	Y	D	N	0.000	N	-
	3927	50	0	V	Y	D	N	0.000	N	-
Willow Fishhook Road	3757	125	7	N	N	-	N	0.000	N	-
	3762	50	0	V	N	-	N	0.000	N	-

HSIP: Central Region Guardrail Inventory and Upgrade
Kenai River Center Permit Application

Road Name	Anadromous Water Body	Milepoint of Guardrail Replacement	Milepoint of Embankment Widening
Bridge Access Road	Kenai River	2.5	
Holt Lamplight Road	Bishop Creek	3.6-3.7	
Hope Road	Turnagain Arm	10.2-10.4	11.0-13.4 (right side)
Kalifornsky Beach Road	Coal Creek	2.5-2.6	
Kenai Spur Highway	Swanson Creek	38.1	
Nash Road	Salmon Creek	0.5-0.6	
	Small Creek	1.9	
	Sawmill Creek	2.1	
Seward Highway	Grouse Creek	8.1-8.2, 8.5-8.6, 9.2-9.3, 10.6-10.7	
	Unnamed Creek	1.0	
	Snow River	13.6-14.1, 15.2-15.4	
	Ptarmigan Creek	22.6-22.7	
	Lower Trail Lake	25.0-25.3	
	Upper Trail Lake		29.5-31.2
	Canyon Creek	55.6-55.8	
	East Fork Sixmile Creek	60.5-60.7	
	Granite Creek	62.4-62.5, 65.1-65.2	
	Unnamed Creek	67.6-67.9	
Sterling Highway	Daves Creek	0.5-3.1 (Left side)	
	Quartz Creek	4.0-4.1, 5.6-6.0, 6.1-7.2	
	Kenai River	14.0-14.3, 15.2-15.5, 16.0-16.1, 17.5-17.9	18.0-18.5
	Stariski Creek	111.1-111.2	
	Two Moose Creek		119.2-119.4
	Anchor River	121.6-121.7	120.5

Table 1. Work within 50 ft of Anadromous Waters

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2022-24

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE
CONSTRUCTION OF BANK STABILIZATION WITHIN THE 50-FOOT HABITAT PROTECTION
DISTRICT OF THE KENAI RIVER, ANCHOR RIVER AND 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 published in the Peninsula Clarion on June 16, 2022 and June 23, 2022 as provided in Section 21.11.020; and
- WHEREAS,** public testimony was received at the June 27, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

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

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

1. Adding additional rip rap fill to current embankments and enlarging the footprint within the HPD

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), the proposed critical infrastructure may be approved as conditional structures 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. Placement of rip rap to stabilize the embankments and hold the guardrail in place is part of critical infrastructure work and public safety.
7. 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.
8. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
9. The River Center found the application complete and scheduled a public hearing for June 27, 2022.
10. Agency review was distributed on June 10, 2022. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on June 10, 2022. A total of 11 mailings were sent.
12. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on June 16, 2022 and June 23, 2022
13. 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, Anchor River and Two Moose Creek.
2. The bank stabilization 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 1-4 and Findings 2, 6 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-2, 9-12 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 7 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Finding 8 appears to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Finding 13 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2022.

Blair Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

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