

## **E. NEW BUSINESS**

### **1. Conditional Use Permit – PC Resolution 2022-42**

**Request: Installation of rip rap on a parcel within the  
50-foot Habitat Protection district of the  
Crooked Creek**

**Petitioner: Alaska Department of Fish & Game  
Kasilof Area**

# Multi Agency Permit Application



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

## Applicant Information:

Name: Alaska Dept. of Fish and Game  
Owner? ☒ Yes ☐ No  
Mailing: 43961 Kalifornsky Beach Rd. Suite B  
Soldotna, AK 99669  
Phone: 907-262-9368  
Email: jenny.gates@alaska.gov and colton.lipka@alaska.gov

## Agent Information: (if applicable)

Name: Alaska Dept. of Fish and Game (Jenny Gates and Colton Lipka)  
Mailing: 43961 Kalifornsky Beach Rd. Suite B  
Soldotna, AK 99669  
Phone: 907-262-9368  
Email: jenny.gates@alaska.gov and colton.lipka@alaska.gov

## Project Location:

KPB Parcel ID: 13702121  
Physical Address: 21880 Johnson Lake Road  
Kasilof, AK 99610  
Waterbody Name: Crooked Creek  
River Mile: ~ 3.15 Riverbank: ☒ Right  
looking downstream ☐ Left

Subdivision: NA  
Lot: NA Block: NA Addn/No.: NA  
Directions to site: Sterling Highway to Johnson Lake Road. Follow  
Johnson Lake Road to the dead end. Crooked Creek Facility is located at the end of  
Johnson Lake Road on the left hand side. Site is located within the facility.

## 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# \_\_\_\_\_

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**
- **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 attached.

## 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)	\$ <u>NA</u>
Bank or Habitat Restoration & Protection	\$ <u>NA</u>
Other Activities	\$ <u>30,000</u>



**Project Questions:**

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

1. Start date: ASAP End date: ASAP Estimated Days of Construction: 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: NA Type of Material: Type 2/3 rip rap rock  
Location you will depositing fill: Right bank (see attached)
8. Will any material (including soils, debris, and/or overburden) be used as fill? ☐ Yes ☐ No  
Type of material: type 2/3 rip rap Amount: 100 yards 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: A 200 series excavator will be used for placing rip rap in the eroded area. The equipment will not be below OHW and remain on the bank. Equipment will be brought to the worksite from the eastern side of the facility. A gravel ramp, piers and lumber will be used to shore up the existing infrastructure (head raceway) of the facility.
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.

Jenny Gates

Digitally signed by Jenny Gates  
Date: 2022.08.17 09:10:58 -08'00'

**Applicant Signature (required)**

August 17, 2022

**Date**

Jenny Gates

Digitally signed by Jenny Gates  
Date: 2022.08.17 09:11:21 -08'00'

**Agent Signature (if applicable)**

August 17, 2022

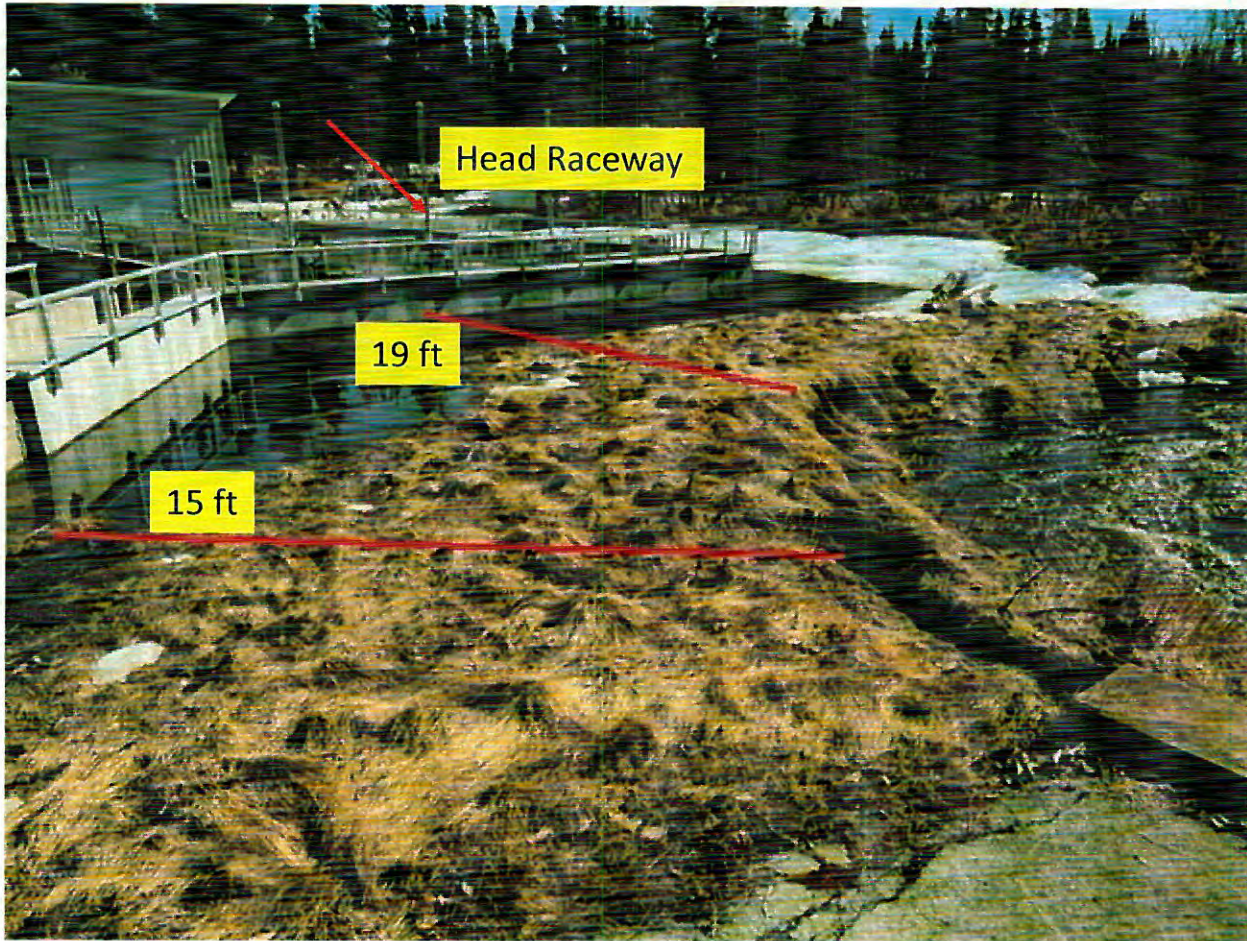
**Date**



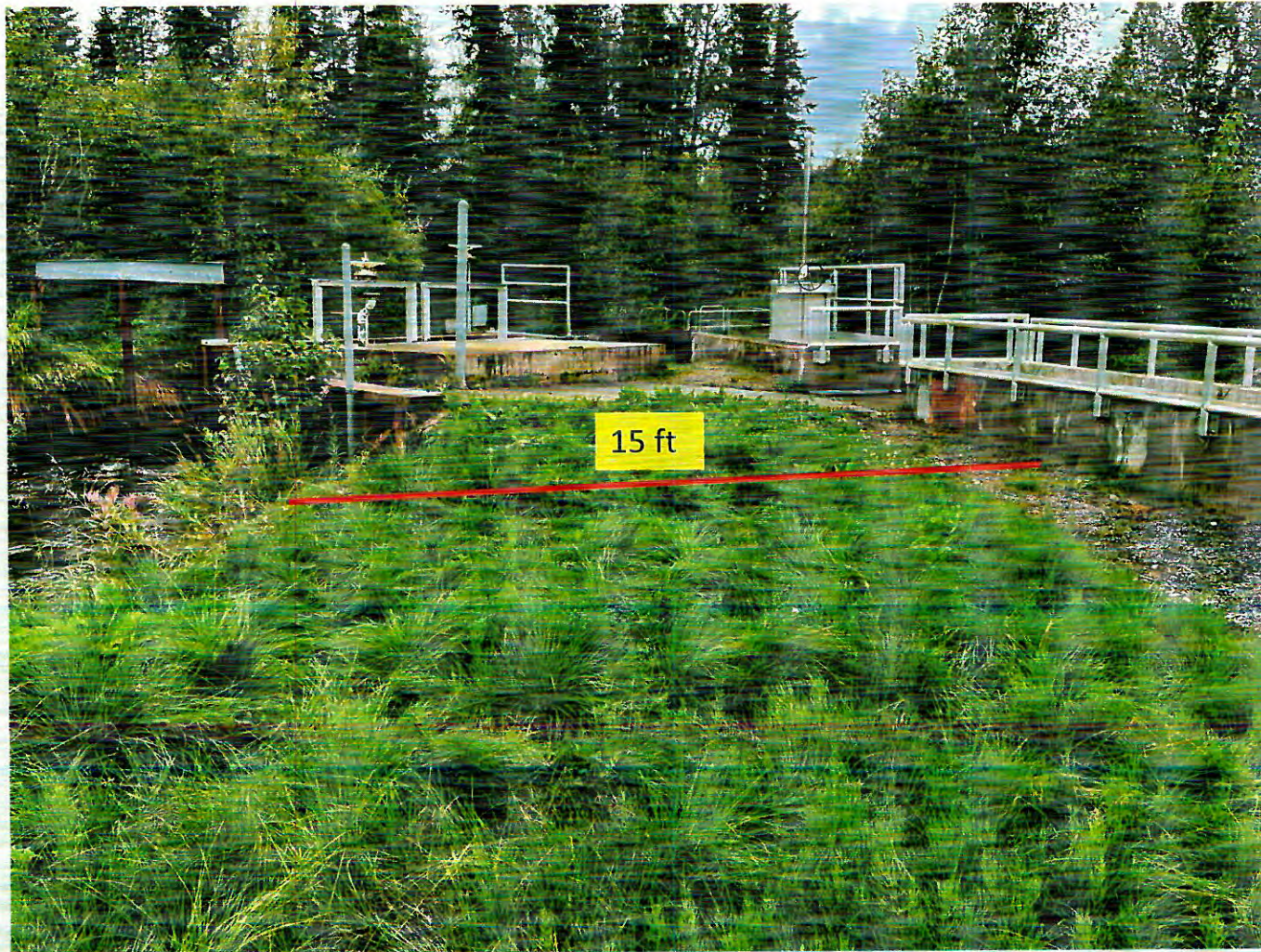
The Alaska Department of Fish and Game Crooked Creek Facility is located on Johnson Lake Road near Kasilof. The Crooked Creek Facility is used to enumerate Chinook salmon, imprint Chinook salmon smolt, collect brood stock to enhance the early-run Kasilof River sport fishery, terminal fisheries in Kachemak Bay and Resurrection Bay, and lake stocking throughout the Northern Kenai Peninsula. The current erosion occurring on Crooked Creek is located within 15 feet of necessary structures used to facilitate project objectives and enhancement activities. Please refer to slides 1-4 for area of concern and slide 5 for proposed scope of work.

The Department is proposing to use approximately 100 cubic yards of type 2/3 rock (rip rap) to fortify and stabilize approximately 52 feet of bank. The height of the bank is approximately 6 feet to creek substrate and approximately 4 feet to the water during normal summer flows. Also attached are spring flow conditions (slide 4). Heights vary to the caved bank on the downstream edge but range between 24 and 36 inches. The design method chosen will use rip rap to stabilize approximately 6 to 7 feet out from the bank and run a slight vein upstream to direct water away from the area of erosion. Rip rap will be placed below OHW and extend up to the top of the bank above OHW (~6 ft). No existing vegetation is expected to be removed. Some fill may be used to tie rip rap together above OHW. Fuel storage (if needed) will be stored sufficiently away from the creek near the maintenance building within a containment structure. A 200 series excavator will be delivered to the site and access the creek by creating a ramp (using gravel, pads, and lumber) over existing infrastructure (head raceway, slide 4). It is estimated it will take 3 employees approximately 3 days to complete the project. The Department would prefer that this work is completed before fall/winter stream flows become such that it will impede construction and prior to high spring flows.



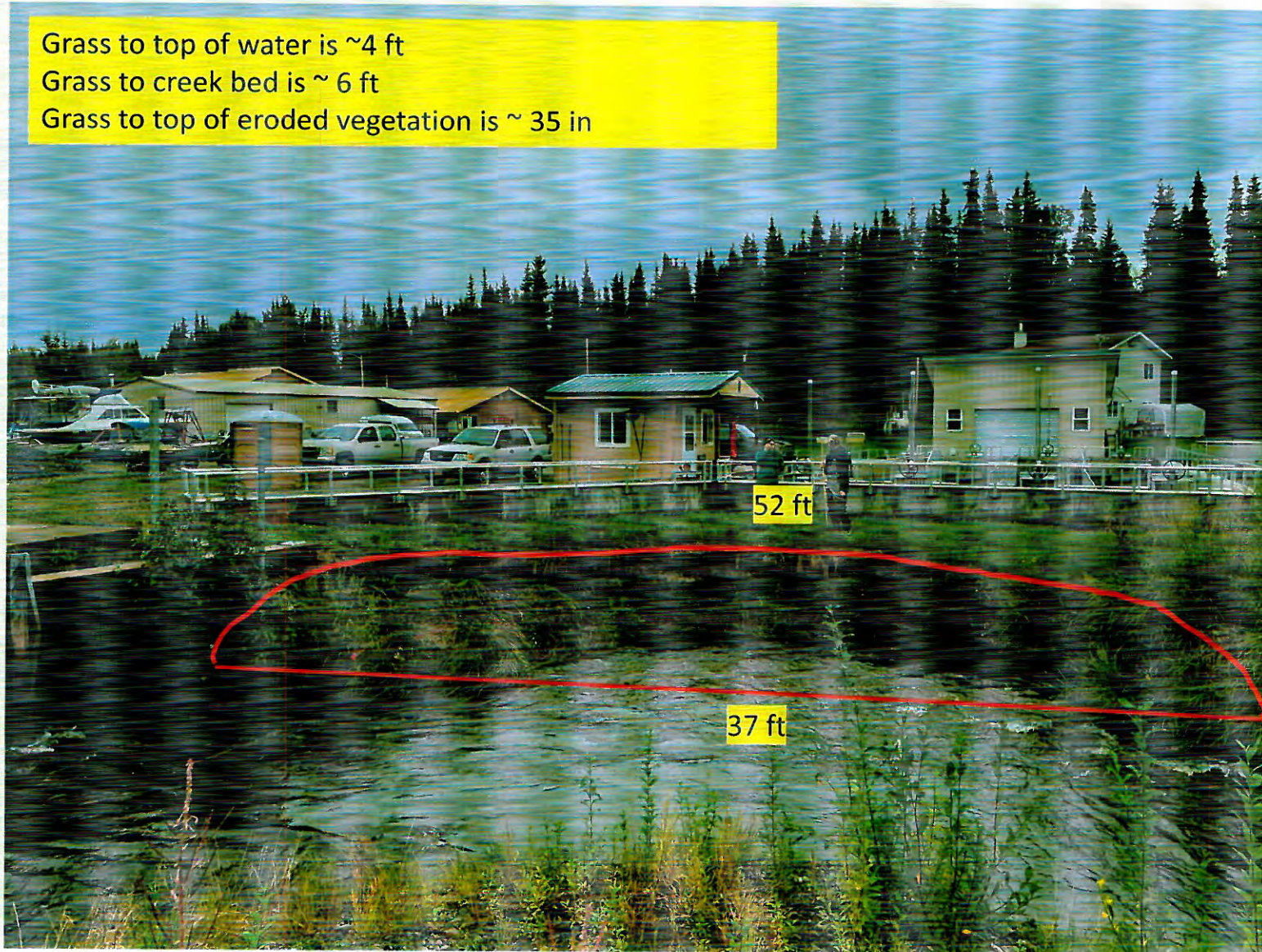




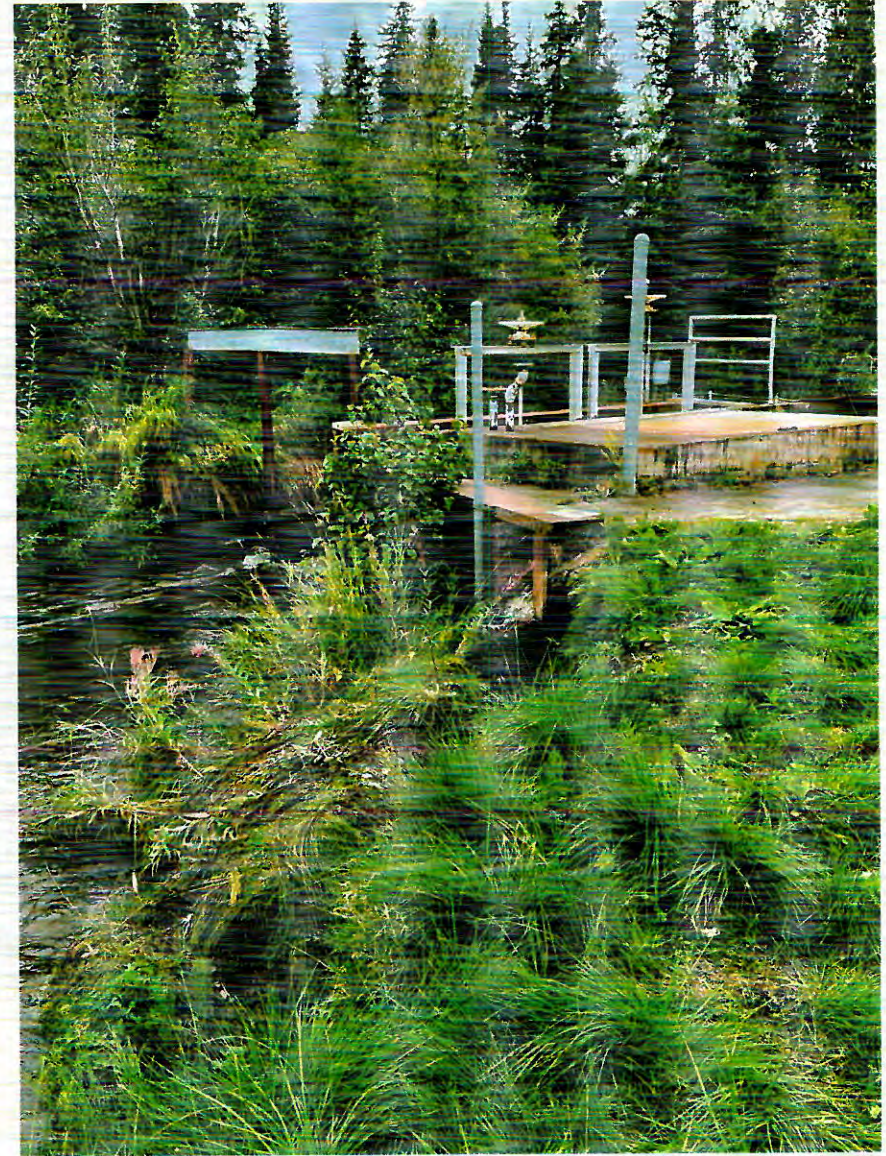
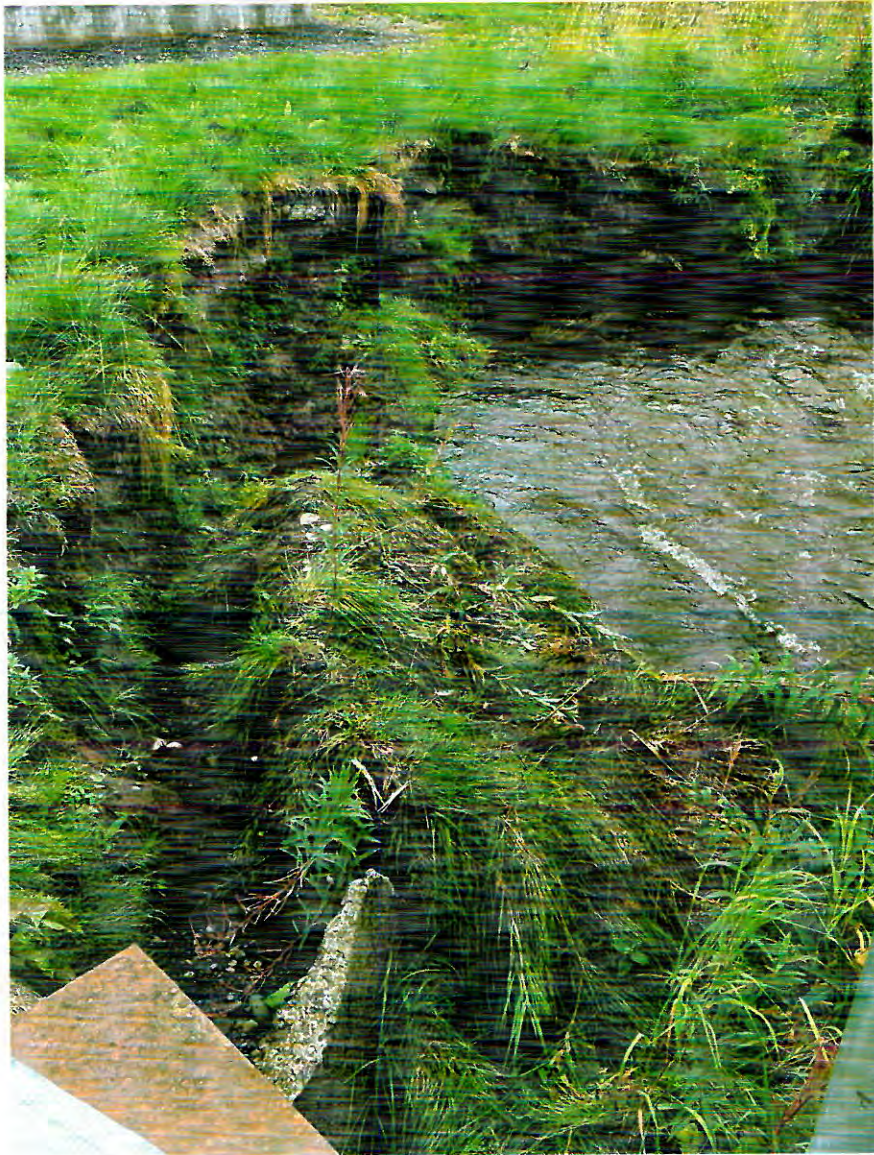




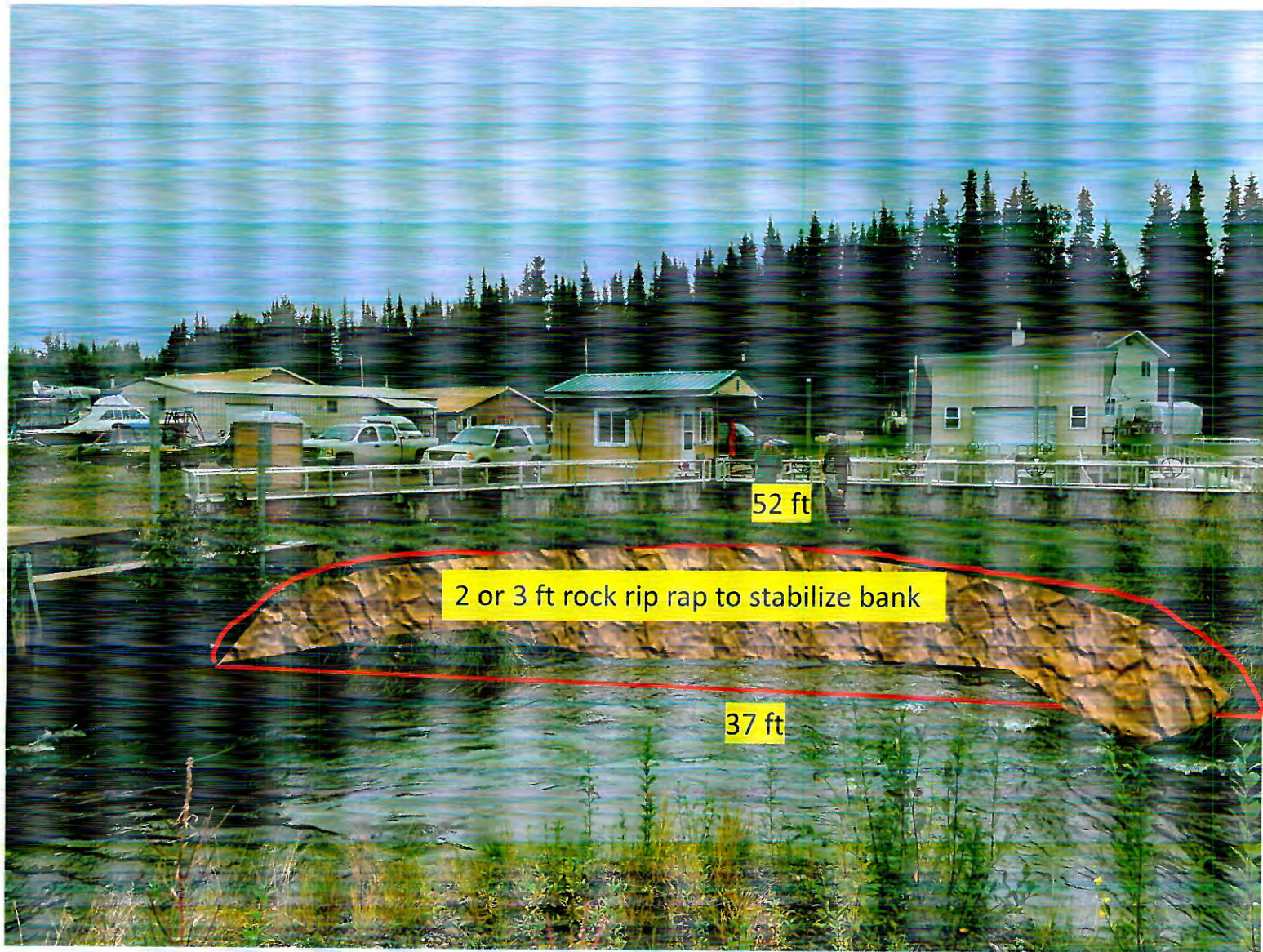
Grass to top of water is ~4 ft  
Grass to creek bed is ~ 6 ft  
Grass to top of eroded vegetation is ~ 35 in



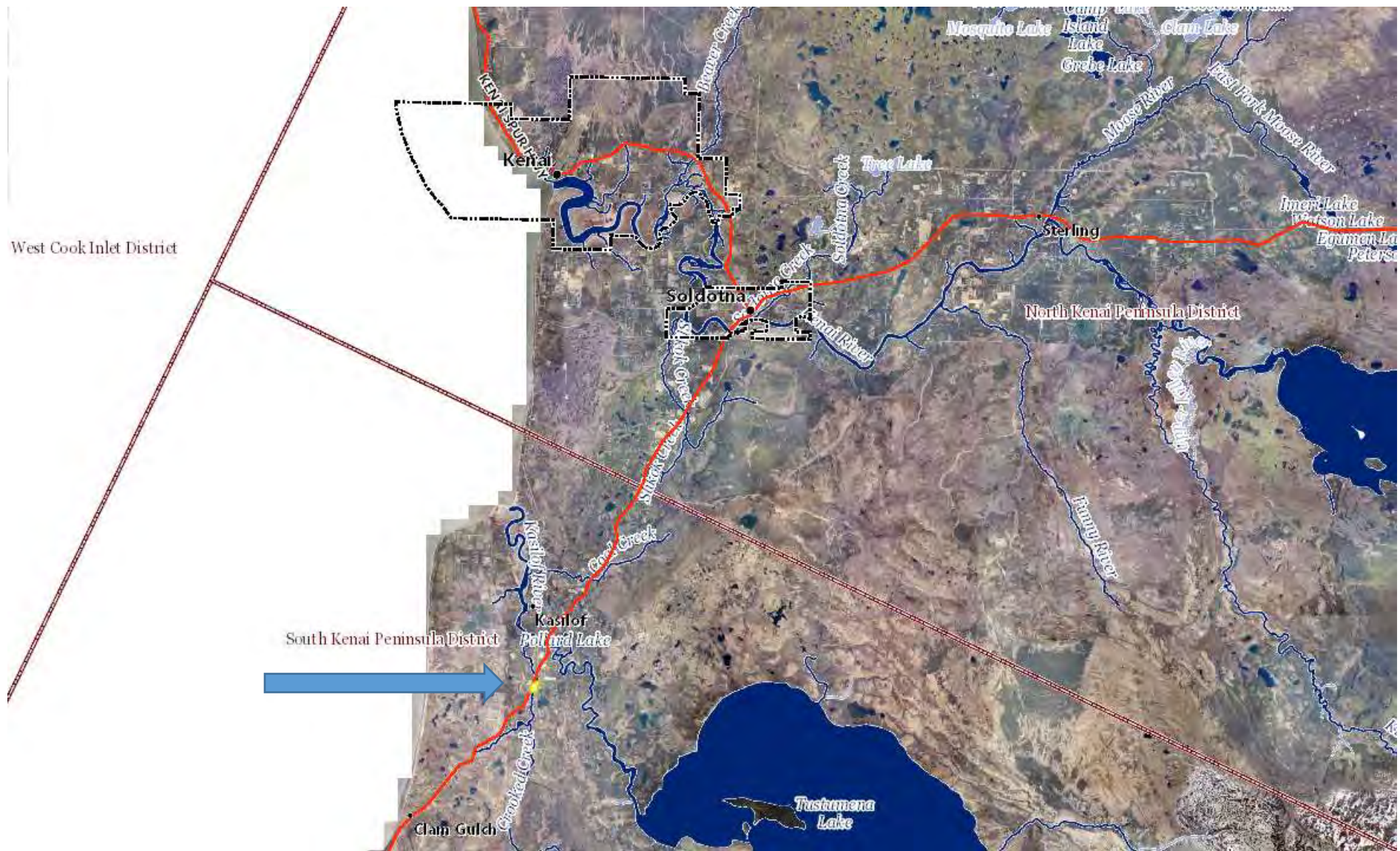


















Location of sandbar from sedimentation across from erosion area





































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

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<b>KPB File No.</b>	<b>2022-42</b>
<b>Planning Commission Meeting:</b>	<b>September 12, 2022</b>
<b>Applicant</b>	<b>ALASKA DEPARTMENT OF FISH &amp; GAME</b>
<b>Mailing Address</b>	<b>43691 KALIFORNSKY BEACH RD SUITE B SOLDOTNA, AK 99669</b>
<b>Legal Description</b>	<b>T 2N R 12W SEC 1 SEWARD MERIDIAN KN A 10 ACRE PARCEL WITHIN THE NE1/4 LYING EAST OF STERLING HWY &amp; SOUTH OF OLD STERLING HWY &amp; NORTH &amp; WEST OF HELENS HAVEN SUB</b>
<b>Physical Address</b>	<b>21880 JOHNSON LAKE RD</b>
<b>KPB Parcel Number</b>	<b>13702121</b>

**Project Description**

A Conditional Use Permit is sought pursuant to KPB 21.18 for the installation of rip rap within the 50-foot Habitat Protection District of the Crooked Creek, as established in KPB 21.18.040.

**Background Information**

KPB staff conducted a site visit on August 11 with ADFG to evaluate erosion immediately upstream of the Crooked Creek weir in Kasilof.

In May of this year, a high water event led to a significant amount of erosion along on the right bank, pushing the creek meander within 15 feet of the concrete raceway. Both ADFG and KPB staff understand that the erosion is being accelerated (if not caused) by the old infrastructure constricting the creek. This infrastructure is no longer necessary for the operation of the weir that is used to enhance the Kasilof River King Salmon run.

Operation and methodology of the facility have changed significantly over time. In 2008, plans were finalized, detailing how to address the erosion concerns in this location. Due to past years' budget constraints, no work has been done to execute that portion of the plan.

In the last year, approximately 52 linear feet of the bank has eroded, coming within 15 feet of the infrastructure that is still critical to the operation of the facility. ADFG does not currently have funding to remove the root cause of the problem, the relict structures constricting the creek, but proposes to use rip rap to stabilize the bank as a temporary solution until funding for a permanent repair can be obtained.

The temporary solution will only be in place until ADFG can remove all unnecessary structures, including: sheet piling, a concrete pump house, and mid-channel steel structures within the creek. The temporary solution shall not be in place beyond the expiration date of this permit. Realignment of the creek utilizing habitat friendly root-wad techniques will be required to remedy the issues identified in the field. In the future, a Conditional Use Permit must be sought once funding is secured and detailed plans are developed.



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

1. Placement of 100 cubic yards of type 2 and 3 rip rap to stabilize the outside bank that has eroded.

### **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 or partially 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. This is to be a temporary solution while ADFG seeks funding to remove the failing, non-water dependent weir structures and sheet pile, and to further protect the necessary infrastructure.
7. While this problem has been recognized at the location since 2008, no work has been done to prevent erosion from occurring. Spring 2022 erosion shows the bank is beginning to fail. Without action, the weir infrastructure is at risk. This installation of rip rap will be temporary, and KPB will require the removal of non-water dependent infrastructure prior to the expiration of this permit.
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. 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."* Infrastructure that is not intrinsic to the operations of the facility must be removed before this permit expires in order to bring this property into compliance.
10. The River Center found the application complete and scheduled a public hearing for September 12, 2022.
11. Agency review was distributed on August 26, 2022. No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on August 26, 2022. A total of 8 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on September 1, 2022 and September 8, 2022.
14. The applicant is currently in compliance with Borough permits and ordinances.

### **Permit Conditions**

1. This facility must come into compliance by removing infrastructure that is not necessary to the operations of the facility prior to the expiration of this permit. Structures required to be removed include: temporary rip rap, sheet piling, unused pump house, and mid-channel steel, formerly used to control water elevations.
2. The rip rap 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. 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; **due to the temporary nature of the proposed project, this standard is partially met. Conditions 1 - 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 1-5 and Conditions 11-12 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 4, 8 and Condition 2 appear to support this standard.**
4. The proposed use or structure is water-dependent; **due to the temporary nature of the proposed project, this standard is partially met. Finding 9 and Condition 1 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Finding 14 and Conditions 11, 12 appear to support this standard.**

### **Attachments**

Multi-Agency Application  
Draft Resolution 2022-42



### **Recommendation**

Based on the findings, staff finds that the proposed project meets or partially 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 2022-42.

**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**





# Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax

*A Division of the Planning Department*

Charlie Pierce  
Borough Mayor

## KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application for a Conditional Use Permit has been received to install rip rap on a parcel within the 50-foot Habitat Protection District of the Crooked Creek, near Kasilof, Alaska. ***You have been sent this notice because you are a property owner within 300 feet of the described property.***

Pursuant to KPB 21.18.081(B)(5) Transportation and Utility Infrastructure and KPB 21.18.091 Mitigation measures, projects within the 50-foot Habitat Protection District are not permitted unless a Conditional Use Permit (CUP) is approved by the Planning Commission. This project is located at T 2N R 12W SEC 1 SEWARD MERIDIAN KN A 10 ACRE PARCEL WITHIN THE NE1/4 LYING EAST OF STERLING HWY & SOUTH OF OLD STERLING HWY & NORTH & WEST OF HELENS HAVEN SUB, Kasilof, Alaska.

**Petitioner:** ALASKA DEPARTMENT OF FISH & GAME  
43691 KALIFORNSKY BEACH RD SUITE B  
SOLDOTNA, AK 99669

**Public Hearing:** The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on September 12, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID 907 714 2200.

**Public Comment:** Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, September 9, 2022.**

**Mail comments to:**

Donald E. Gilman River Center  
514 Funny River Road  
Soldotna, Alaska 99669

**Fax comments to:**

(907) 260-5992

**Email comments to:**

[planning@kpb.us](mailto:planning@kpb.us)  
[KenaiRivCenter@kpb.us](mailto:KenaiRivCenter@kpb.us)

For additional information, contact Morgan Aldridge, [maldridge@kpb.us](mailto:maldridge@kpb.us), Donald E. Gilman River Center, (907) 714-2465



**KENAI PENINSULA BOROUGH PLANNING COMMISSION**

**RESOLUTION 2022-42**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE  
CONSTRUCTION OF RIP RAP WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE  
CROOKED 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 September 1, 2022 and September 8, 2022 as provided in Section 21.11.020; and
- WHEREAS,** public testimony was received at the September 12, 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. Placement of 100 cubic yards of type 2 and 3 rip rap to stabilize the outside bank that has eroded.

**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 or partially 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. This is to be a temporary solution while ADFG seeks funding to remove the failing, non-water dependent weir structures and sheet pile, and to further protect the necessary infrastructure.
7. While this problem has been recognized at the location since 2008, no work has been done to prevent erosion from occurring. Spring 2022 erosion shows the bank is beginning to fail. Without action, the weir infrastructure is at risk. This installation of rip rap will be temporary, and KPB will require the removal of non-water dependent infrastructure prior to the expiration of this permit.
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. 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."* Infrastructure that is not intrinsic to the operations of the facility must be removed before this permit expires in order to bring this property into compliance.
10. The River Center found the application complete and scheduled a public hearing for September 12, 2022.
11. Agency review was distributed on August 26, 2022. No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on August 26, 2022. A total of 8 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on September 1, 2022 and September 8, 2022.
14. The applicant is currently in compliance with Borough permits and ordinances.

### **Section 3. Permit Conditions**

1. This facility must come into compliance by removing infrastructure that is not necessary to the operations of the facility prior to the expiration of this permit. Structures required to be removed include: temporary rip rap, sheet piling, unused pump house, and mid-channel steel, formerly used to control water elevations.
2. The rip rap 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. 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; **due to the temporary nature of the proposed project, this standard is partially met. Conditions 1 - 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 1-5 and Conditions 11-12 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 4, 8 and Condition 2 appear to support this standard.**
4. The proposed use or structure is water-dependent; **due to the temporary nature of the proposed project, this standard is partially met. Finding 9 and Condition 1 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Finding 14 and Conditions 11, 12 appear to support this standard.**



THIS CONDITIONAL USE PERMIT EFFECTIVE ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
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.**