

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

1. **Conditional Use Permit: PC Resolution 2024-03**

Applicant: City of Soldotna

Request: Repair and replace a portion of a wastewater treatment line and a manhole with the 50-foot Habitat Protection District of the Kenai River

City of Soldotna

Date:	February 7, 2024
Public Hearing:	February 7, 2024
Action:	PASSED
Vote:	7 Yes, 0 No, 0 Absent

CITY OF SOLDOTNA
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 2024-006

GRANTING APPROVAL OF A CONDITIONAL USE PERMIT
FOR THE REPAIR OF THE SOLDOTNA WASTEWATER TREATMENT FACILITY OUTFALL
PIPE NEAR 328 PORCUPINE CT

WHEREAS, On January 16, 2024, Solstice Alaska Consulting, Inc. submitted an application on behalf of the City of Soldotna for a conditional use permit to allow the clearing of vegetation, excavation, demolition and installation of a new outfall pipe and manhole within the right-of-way (ROW) that connects the treatment plant with the Kenai River; and

WHEREAS, this unnamed ROW extends approximately 250 feet from the Kenai River, across Porcupine Ct, to the City treatment plant at 328 Porcupine Ct.; and

WHEREAS, within this unnamed ROW lies buried the City's treatment outfall pipe; and

WHEREAS, the existing outfall pipe was installed in 1972 and has partially collapsed, causing water to backup and flow from the manhole; and

WHEREAS, repairing the outfall pipe will ensure that a vital City service will continue to be provided; and

WHEREAS, to repair the outfall pipe, the project requires vegetation removal, excavation, demolition and new construction within 100 feet of the Kenai River and within the Kenai River Overlay District; and

WHEREAS, the proposed activities require a Kenai River Overlay district conditional use permit to ensure protection of the riparian habitat and to meet Soldotna Municipal Code; and

WHEREAS, the City of Soldotna Planning and Zoning Commission finds the following:

1. The project proposes the clearing of approximately 3,500 ft² of vegetation to facilitate the demolition and installation of a new outfall pipe and manhole. The work will extend the entire length of the Kenai Overlay District and into the Kenai River; and
2. The project requires the removal of vegetation from the portion of the Kenai River Overlay District that extends from a point 10 feet from the ordinary high water mark to 100 feet from the ordinary high water mark; and
3. The project requires excavation within the Kenai River Overlay District ; and
4. The parcel the Wastewater Treatment Facility is located on is in the Institutional zoning district. The portion of the right-of-way where the outfall pipe will be repaired is not zoned, but is in between two parcels that are in the Single-Family/Two-Family zoning district; and
5. The project is within the Kenai Peninsula Borough's 50-foot habitat protection area; and

WHEREAS, The Planning and Zoning Commission conducted a duly advertised public hearing as required by SMC 17.10.425 on February 7, 2024; and

WHEREAS, In accordance with SMC 17.10.425.C the City mailed 49 notices to property owners within 300 feet notifying them of the proposed action; and

WHEREAS, The Commission finds that this project is in harmony with the objectives and goals of the Envision 2030 Soldotna Comprehensive Plan; and

WHEREAS, The application for the proposed use meets the general standards of Section 17.10.400, Conditional Uses; and

WHEREAS, this approval is subject to the following conditions:

1. The applicant must obtain all necessary permits from the Kenai Peninsula Borough, the State of Alaska and the U.S. Army Corps of Engineers.
2. Revegetation of disturbed areas no later than July 31, 2025. The purpose of this condition is to ensure revegetation occurs, to reduce run off and erosion potential.
3. Erodible materials shall be monitored on a daily basis to ensure they are not leaving the construction site.
4. If there is potential for soil to erode, silt fencing, straw wattles, or other best management practices shall be installed immediately to protect the Kenai River.
5. Excavated fill shall be temporarily deposited on the eastern area of the excavated area in order to maximize the distance away from the riverbank.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. The Commission approves the project as shown on the application materials submitted on January 16, 2024.

Section 2. The approval is based on the findings listed in this Resolution, and subject to the conditions listed in this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED BY THE PLANNING AND ZONING COMMISSION THIS 7TH DAY OF FEBRUARY, 2024.


Kaitlin Vadla, Chair

ATTEST:


Jennifer Hester, Associate Planner

Yes: Anderson, Burton, Murray, Smithwick-Aley, Tautfest, Turner, Vadla
No: None
Absent: None

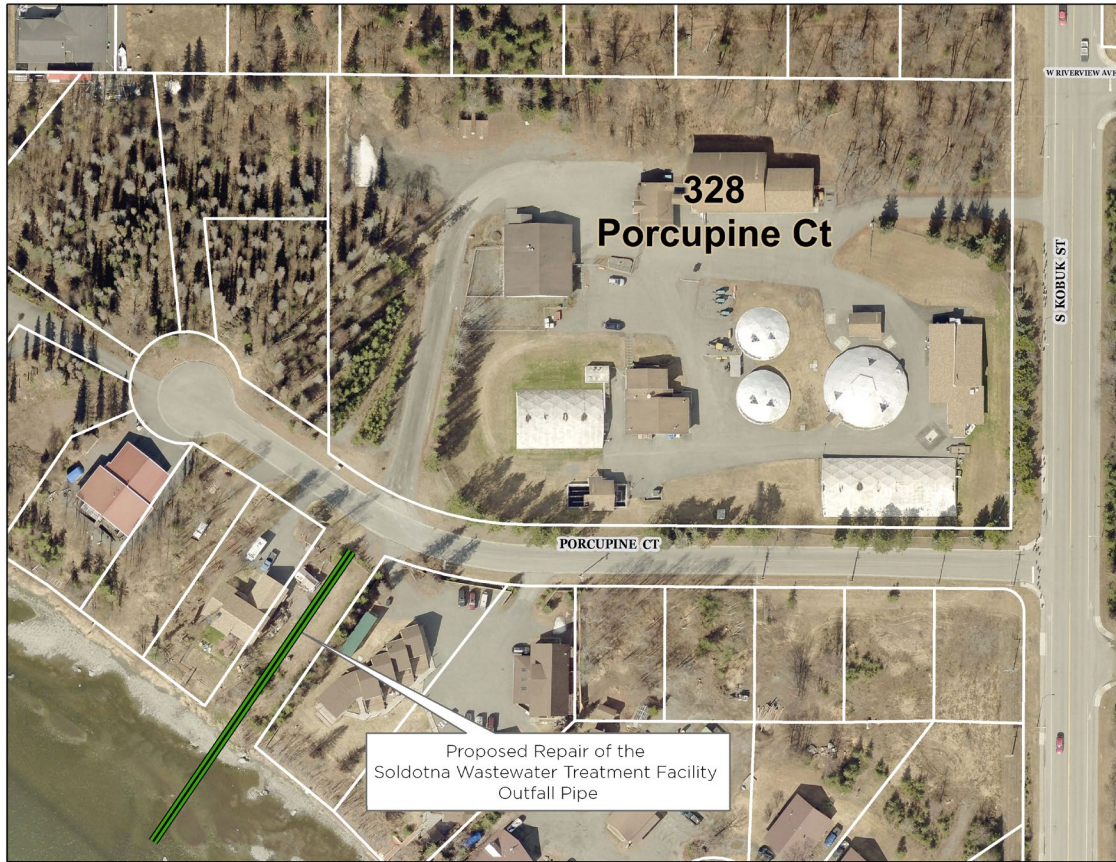


Figure 1. *Proposed site for the repair of the outfall pipe from 328 Porcupine Ct.*

Solstice Alaska Consulting, Inc. and the City of Soldotna applied for a conditional use permit to repair the outfall pipe and manhole from the City wastewater treatment plant (WWTP). The outfall pipe was installed in 1972 and partially collapsed in the spring of 2023. The collapsed pipe has caused water to backup and overflow to the associated manhole. As a result of this overflow, an effluent sensor inaccurately measures the amount of effluent discharged into the Kenai River. The City needs accurate measurements of the effluent discharge in order to meet the wastewater outfall permitting requirements of the Alaska Department of Environmental Conservation (ADEC).

The work to repair the outflow pipe and manhole will fall within the 100 ft. Kenai River Overlay District (KROD). This project also extends into the Kenai River, where additional permitting from the Kenai Peninsula Borough, Alaska Department of Fish & Game, as well as the U.S. Army Corps of Engineers may be required. Permit applications have been filed.

The WWTP is located in the Institutional zoning district, while the work is being completed in an unzoned right-of-way (ROW) in between two parcels zoned Single-Family/Two-Family (SF/TF) Residential. The 50' unzoned ROW contains land within the Kenai River Overlay District (KROD).

The work within the KROD will occur within the 50'-wide ROW, and in-between 351 Porcupine Ct and 347 Porcupine Ct (Figure 1).

The work within the KROD includes:

- The clearing of vegetation
- Excavation
- The installation of a temporary cofferdam system
- Demolition of the existing manhole (man hole #4001) and demolition of the 21” corrugated metal pipe outfall line
- Installation of a new manhole and 18” high density polyethylene outfall line
- Installation of temporary piping and discharge
- Sliplining of 21” corrugated metal pipe between the new manhole #4001 and the existing manhole #4002
- Creation of a contractor staging area
- The revegetation of the area

The excavation, demolition and installation required by this project will occur both above and below the ordinary high water (OHW) mark. Above that mark, vegetation will be removed to allow for the excavation and replacement of the outfall pipe and manhole.

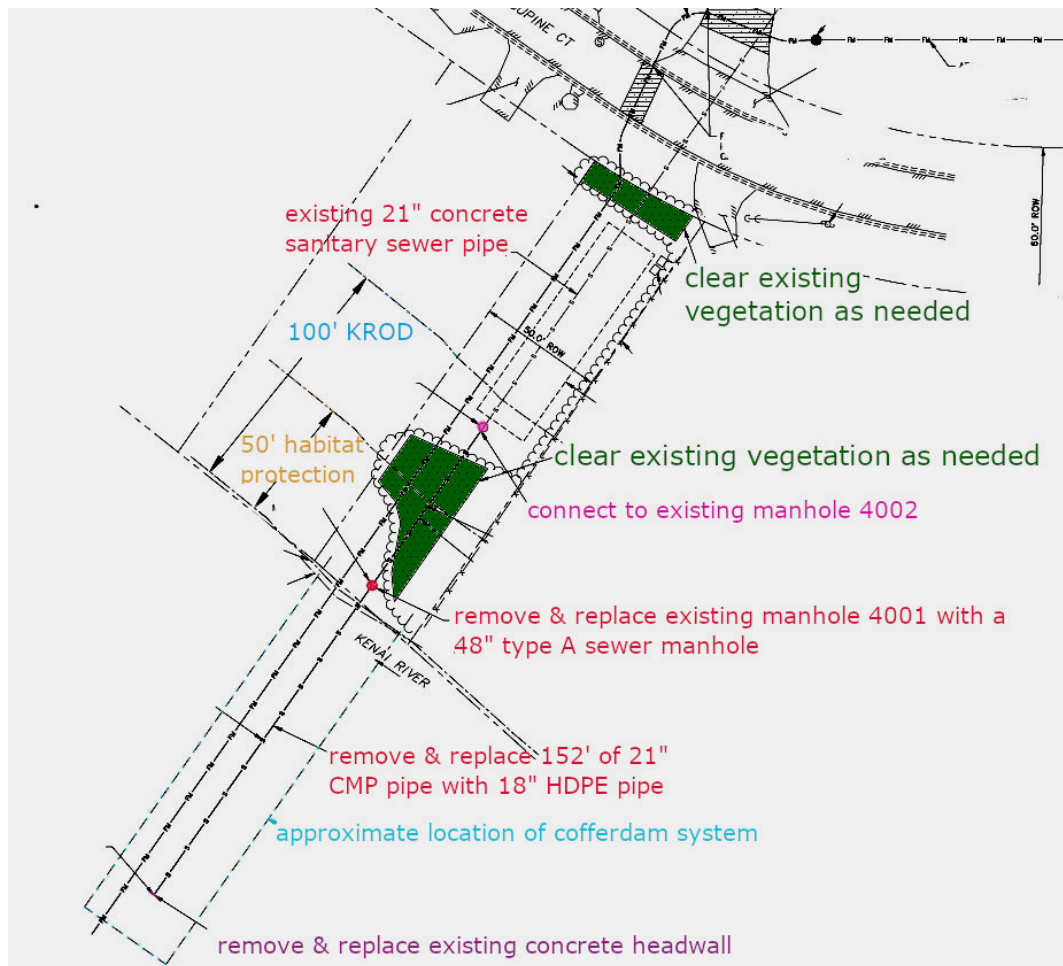
The permit application was forwarded from the Gilman River Center. The Soldotna Building Official, the Alaska Department of Environmental Conservation, and the Gilman River Center received a copy of this report.

SMC 17.10.285(I) requires projects that are not exempt or that have not received an administrative permit to go through the process for a conditional use permit subject to the standards of 17.10.400, Conditional Uses, and 17.10.285, Kenai River Overlay District.

The vegetation removal, excavation, demolition and installation required in the replacement of the WWTP outfall line falls under SMC requirements for conditional use permitting.



Figure 2. Site of collapsed pipe and associated manhole.



ANALYSIS

17.10.285 Kenai River Overlay District

Intent. “The Kenai River Overlay District (KROD) is intended to provide opportunities for the development and use of land and enhancement of riparian habitat within all the zoning districts located along the Kenai River while establishing special overlay requirements to control erosion, ground or surface water contamination, or adverse alteration of riparian habitat.” SMC 17.10.285(A)

The KROD includes all lands within 100 feet of the ordinary high water (OHW) of the Kenai River or lands that are 25 feet back from the top of a cut bank, whichever is greater.

The applicant has applied for a KROD conditional use permit to allow for the repair of the WWTP outflow line. The buried outflow line extends the entire length of 100 ft. KROD and into the Kenai River. The proposed vegetation clearing will occur in the same area, and the excavation and demolition will occur at the location of manhole #4001.

The closest area that vegetation will be removed from is approximately 10-feet from OHW. The total area of removed vegetation will be approximately 3,500 ft². The area will be revegetated after construction.

In addition to the general standards required for conditional use approval, the Soldotna Municipal Code requires the Commission to make a complete written statement of evidence and findings and require the applicant meet any conditions imposed to mitigate the potential for significant erosion, ground or surface water contamination, or adverse alteration of riparian habitat.

SMC 17.10.285 also requires that a copy of the permit application materials be sent to the Gilman River Center and the Alaska Department of Environmental Conservation for review and comments. These materials were sent on January 26, 2024. The applicant has applied for the necessary additional permitting as required by the Gilman River Center, the U.S. Army Corps of Engineers, and the Alaska Department of Environmental Conservation.



Figure 4. Google street view of the project area.

17.10.400, Conditional uses

Eight specific standards must be met before a conditional use permit may be granted, and are addressed below.

1. *The proposed development satisfies the specific standards associated with that conditional use listed in the code, if any.*

Staff finds this standard is met. No specific standards are listed within the code (17.10.285(I)), except that the Commission may require conditions to mitigate the potential for significant erosion, ground or surface water contamination, or adverse alteration of the riparian habitat provided the commission makes a complete and written statement of evidence and findings to support the conditions.

The intent of the KROD is to provide opportunities for the development and use of land along the Kenai River while still controlling erosion, water contamination and alteration of riparian habitat. With the revegetation of the disturbed area, staff finds that the proposed development is also in harmony with the intent of the overlay district.

2. *The use is in harmony with the Comprehensive Plan, and surrounding land uses;*

Staff finds this standard is met. The proposed project is in harmony with the comprehensive plan and surrounding land uses. Specifically, the comprehensive plan states “the City will continue to expand and maintain an integrated, cost-effective system of municipal improvements and public infrastructure” and that “the City’s wastewater treatment system discharges treated effluent into the Kenai River. Although this discharge meets all permit requirements, public regulatory agency concerns are likely to continue.”

The property is also in harmony with the future land use map, which identifies this area as institutional with the connection of an unzoned right-of-way. The buried utility line within the right-of-way is in harmony with neighboring institutional and residential uses.

3. *The use meets the general standards of the zoning code, and the intent of the zoning district in which it is to be located;*

Staff finds this standard is met. The proposed project meets the general standards of the zoning code to include the general standards of SMC 17.10.275 (Institutional District) and SMC 17.10.285 (Kenai River Overlay District). Conditions are recommended by staff to mitigate the potential for significant erosion, ground or surface water contamination, or adverse alteration of riparian habitat.

The repair of the outflow pipe is consistent with and in harmony with the intent and general standards of the Institutional zoning district, where the originating infrastructure is located. The utility infrastructure is to be located within the right-of-way, which is not zoned.

4. *The use shall be so located and arranged on the site to avoid significant noise, glare, odor or other nuisances and dangers;*

Staff finds this standard is met. The excavation and repair is located within the KROD. With the exception of the manhole, all other infrastructure is buried below the surface of the ground and will not be disturbed or excavated. No noise, glare, odor or other nuisance or danger should result from the completed repair work. Additionally, Federal, State, and local agencies provide monitoring and controls of Soldotna's sewer utility to protect the public health, safety and welfare.

5. *The proposed development shall not significantly impair the value of the adjoining property;*

Staff finds this standard is met. The repaired outfall line will be located in the same right-of-way as it has been in since 1972. The repair will benefit neighboring property owners and the larger community by ensuring compliance with State and Federal requirements. Staff is not aware of any evidence that would suggest that the outfall line replacement would impair adjoining property values.

6. *The size and scale of the use is such that it shall be adequately served by existing public services and facilities;*

Staff finds this standard is met. The proposed repairs to the utility require no additional public services, and will ensure that the City's public services and related facilities can continue to serve the community.

7. *Granting of the conditional use shall not be harmful to the public safety, health, or welfare;*

Staff finds this standard is met. The repair to the outfall line and manhole is consistent with right-of-way uses. Rights-of-way are typically used to house many public amenities to include sewer and water, roads, sidewalks, and landscaping, and private utilities like electric, gas and communications. These uses positively contribute to the public safety, health and welfare of the community.

8. *The property where the development is to occur is current in payments owed to the City, including: property taxes, sales tax; utility billing; and assessments; or has entered into an agreement with City for repayment as is in compliance with the terms of the agreement.*

Staff finds this standard is met. The right-of-way is city-owned, so there are no fiscal obligations.

ADDITIONAL COMMENTS

In accordance with SMC 17.10.425, on January 29, 2024 the City mailed 49 notices to property owners within 300-feet of the proposed development notifying them of the proposed action. Staff has not received any comments as of the writing of the staff report.

No objections were received from the River Center, DEC, the City's Public Works Director, Street & Maintenance Director, Utility Manager or Building Official.

STAFF RECOMMENDATION

If approved, this Resolution would provide a conditional use permit for the removal of vegetation, the excavation of land, the staging of vehicles, the demolition of the damaged outfall line and manhole, the installation of a new outfall line, manhole and a temporary cofferdam system, and the revegetation of the area within the Kenai River Overlay District.

Staff finds that the proposed project meets the general standards of the Soldotna Municipal Code for structures in the Institutional zoning district, and meets the eight conditional use standards for activities requiring a KROD. Staff recommends approval of PZ 2024-006, subject to the following conditions:

1. The applicant must obtain all necessary permits from the Kenai Peninsula Borough, the State of Alaska and the U.S. Army Corps of Engineers.
2. Revegetation of disturbed areas no later than July 31, 2025. The purpose of this condition is to ensure revegetation occurs, to reduce run off and erosion potential.
3. Erodible materials shall be monitored on a daily basis to ensure they are not leaving the construction site.
4. If there is potential for soil to erode, silt fencing, straw wattles, or other best management practices shall be installed immediately to protect the Kenai River.
5. Excavated fill shall be temporarily deposited on the eastern area of the excavated area in order to maximize the distance away from the riverbank.

Attachments:

- Application, Site Plan & Location Map

Soldotna WWTF Outfall Rehabilitation Project

Response to January 8, 2024 Questions from John Czarnecki, City of Soldotna

Activities Occurring within the Kenai River Overlay District (KROD)

- A 93-foot portion of the existing pipe that runs between manhole #4001 and manhole #4002 would be repaired using a sliplining method. The sliplining process would involve cleaning the pipe, and then inserting a new 18-inch-diameter high-density polyethylene (HDPE) pipe into the existing pipe and grouting the annular space between the pipes. The sliplining pipe would be inserted from the lower end of the pipe at manhole #4001 and run up to manhole #4002 (Project Drawings, Sheet 4).
- The existing 21-inch-diameter pipe between manhole #4001 and the outfall within the Kenai River would be replaced with a new 18-inch-diameter HDPE pipe. Approximately eight feet of the pipe removal and replacement would occur within the KROD (Project Drawings, Sheet 4).
- The existing manhole #4001 would be replaced and would involve excavation around the existing manhole, removal of the manhole, and installation of a new 48-inch Type A sewer manhole.
- The manhole replacement, along with approximately eight feet of the existing 21-inch-diameter outfall pipe, including approximately 45 cubic yards (cy; 354 square feet [sf]) of excavation and placement of 43 cy (354 sf) of fill, would occur.
- A 6-inch-diameter HDPE temporary bypass line would be installed for the duration of project construction, running approximately 575 feet from the wastewater treatment facility (WWTF) ultraviolet (UV) disinfection basin to the Kenai River. Approximately 100 feet of this temporary bypass line would be installed within the KROD (Project Drawings, Sheet 4). Water from the temporary bypass line would not be discharged into the KROD. The temporary bypass line would be removed upon construction completion.
- Approximately ten feet of each end of a temporary cofferdam (described below) would be placed (Project Drawings, Sheet 4). A cofferdam would be installed around the existing outfall pipe during project construction and would consist of one of three options:
 - A polypropylene and polyethylene tube would be filled with approximately 290,000 gallons of water to form the sides of the cofferdam. This water would be sourced from the temporary bypass line or the Kenai River and released back into the river after construction is complete.
 - Approximately 700 supersacks filled with earth or gravel would make up the cofferdam walls, and the cofferdam would be lined with an impermeable membrane.
 - A preconstructed steel framework with flexible waterproof membrane walls would be installed around the work area. The walls would be freestanding and would not require pile installation.
- Materials would be potentially stage within a small portion of the KROD (Project Drawings, Sheet 4). Note: if materials are staged within the KROD, erosion and impacts to water quality would not be anticipated because the area is on flat ground and approximately 100 feet from the river bank.
- Vegetation would be cleared, and revegetation would occur (Project Drawings, Sheet 4).

The following mitigation measures will be implemented and include Best Management Practices (BMPs) to protect the Kenai River Overlay District

- *Project timing.*
 - To protect anadromous fish, in-water work would occur as much as possible between May 15 and July 15.
 - To protect migratory birds, land disturbance, and vegetation clearing would not occur between March 1 and August 31 in accordance with the U.S. Fish and Wildlife Service guidelines for nesting birds, including bald eagles, within the Southcentral region.^[1]
- *Fish collection.* Fish will be collected from within the cofferdam dry area following a Fish Resource Permit to be secured by the contractor from Alaska Department of Fish and Game.
- *Construction limits.* Construction limits will be staked and clearly demarcated.
- *Fueling.* Heavy equipment fueling will not occur within 100 feet of the river.
- *Water quality BMPs.* Water quality will be protected during construction through BMPs including:
 - Temporary and permanent stabilization measures (i.e., slope tracking, seeding, and mulch) will be initiated as soon as practicable, but within at least 14 days on all portions of the site where construction has temporarily or permanently ceased.
 - Sediment prevention measures (i.e., silt fence or other means) will be placed, maintained, stabilized, and revegetated.
- *Vegetation disturbance.* Natural vegetation will be retained wherever possible, disturbed areas will be reseeded with native vegetation types, landscaping improvements will be completed, and the following BMPs will be implemented to revegetate disturbed areas.
 - All disturbed areas will be restored to preconstruction conditions.
 - Topsoil, seeding, and vegetation would be placed to rehabilitate disturbed areas.

^[1] U.S. Fish and Wildlife Service. 2023. Planning Ahead to Protect Nesting Birds. Accessed at: <https://www.fws.gov/alaska-bird-nesting-season>