

# Kenai Peninsula Borough Conditional Use Permit Packet



## **This Packet Contains:**

- ☑ Habitat Protection Application for Conditional Use Permit
- ☑ Kenai Peninsula Borough Code, 21.18.080, Conditional Use Permit

## **Directions:**

- ▶ **Do not submit this application unless your project requires a conditional use permit under KPB 21.18. Contact the Kenai River Center for assistance.**
- ▶ **Please answer all questions completely. An incomplete application will be returned.**
- ▶ **Project drawings and descriptions are an important part of your application. Please draw carefully. Photographs of the project site are also helpful.**
- ▶ **Conditional Use Permits require approval by the Kenai Peninsula Borough Planning Commission. This process will take 45 days or longer. Please plan your projects accordingly.**
- ▶ **As part of the conditional use process, property owners within a 300-foot radius of the activity or project are notified by mail. A public hearing will be held at a regularly scheduled KPB Planning Commission meeting.**

## **RETURN COMPLETED PERMIT APPLICATIONS TO:**

KENAI PENINSULA BOROUGH/KENAI RIVER CENTER  
514 FUNNY RIVER ROAD  
SOLDOTNA, AK 99669  
FOR MORE INFORMATION, PHONE (907) 260-4882 OR  
FAX (907) 260-5992  
[www.kenairivercenter.org](http://www.kenairivercenter.org)

# Conditional Use Application For KPB Habitat Protection Area



## Applicant Information:

Name:

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

\_\_\_\_\_

Physical Address:

\_\_\_\_\_

Phone (Home/Work): \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Fax & E-Mail: \_\_\_\_\_

\_\_\_\_\_

## Agent Information:

Name:

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

\_\_\_\_\_

Physical Address:

\_\_\_\_\_

Phone (Home/Work): \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Fax & E-Mail: \_\_\_\_\_

\_\_\_\_\_

## Project Location:

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

River/Stream Name: \_\_\_\_\_

River Mile: \_\_\_\_\_  Right or  Left bank (looking downstream)?

KPB Parcel Number: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_

## Project Description:

1) This activity is a  new project  modification or addition to an existing project

2) Type of project:  private non-commercial; or  commercial.

- Attach a site plan depicting proposed actions, project design, and location related to mean high tide line or ordinary high water line of the river or stream.
- Attach a listing of all required state, federal, and municipal permits and approvals including issuance and expiration dates.
- Attach documentation of all municipal zoning and recorded subdivision covenants to demonstrate conformity of the proposed activity.
- Submit adequate information to demonstrate that the proposed activity will not result in significant erosion, destruction of wetlands or riparian habitat, or result in or increase ground or water pollution as required under KPB 21.18.080.
- For applications submitted pursuant to KPB 21.18.080, submit adequate information to demonstrate that you will be deprived of reasonable use of the property without the permit as required under KPB 21.18.080.



### **21.18.80. Conditional use permit.**

A. An owner may apply for a conditional use permit to allow activities which are prohibited within the habitat protection area. Conditional use permit requests shall be approved or denied by the planning commission. The construction or installation phase of an activity requiring a 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 KPB 21.18.010, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. The planning commission shall adopt findings consistent with KPB 21.18.010 to support the issuance of a permit, or an extension thereof, totaling more than two years from the date of issuance. Prior to its expiration date, a conditional use permit issued for up to one year may be extended for up to twelve (12) months by the planning director upon written request. A conditional use permit may not be approved unless it is determined the activity will be conducted in a manner that does not result in significant erosion, destruction of wetlands or riparian habitat, or result in or increase ground or water pollution. Conditional use permits are conditioned upon compliance with all applicable federal, state and local laws and regulations. In granting a conditional use permit, the planning commission may establish such conditions on the development, use or operation of the activity or facility for which the conditional use permit is granted as it determines necessary to prevent erosion, destruction of wetlands or riparian habitat, or result in or increase ground or water pollution. Additionally a conditional use permit may not be granted unless the planning commission determines that the owner will be deprived of reasonable use of the property without a conditional use permit being granted.

B. A person seeking a conditional use permit must make application to the borough planning department. The application shall provide information describing the proposed activity and demonstrate that the activity meets the conditions for conditional use permit. The planning commission has no obligation to ascertain whether special conditions can be developed or imposed unless the applicant has submitted adequate information to demonstrate that the proposed methods or conditions will eliminate the impacts of the activity within the protection area. If the planning commission determines a proposed activity will cause significant erosion, destruction of wetlands or riparian habitat, or result in or increase ground or water pollution it shall deny a conditional use permit for the requested activity.

(Ord. No. 2004-14, § 1, 6-1-04; Ord. No. 97-26, § 2, 1997; Ord. No. 96-06, § 1(part), 1996)