



SOLDOTNA

Kenai River Overlay District (KROD) Information Sheet

Taken from SMC 17.10.285

City of Soldotna
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The City of Soldotna regulates all development within 100 feet from the ordinary high water (OHW) mark of the Kenai River, or 25 feet back from the top of a cut bank along the Kenai River, whichever distance is greater. The OHW mark is the boundary between upland and lake or riverbed. It is the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

This area is known as the Kenai River Overlay District, or KROD. The KROD is a special overlay zoning district, which means the requirements of the KROD are in addition to other City zoning requirements of the underlying zoning district (such as Residential or Commercial zoning). The intent of the KROD is to provide landowners the opportunity to develop and use land along the Kenai River, while encouraging and requiring protection and enhancement of riparian habitat along the river. The requirements of the KROD exist specifically to control and prevent erosion, ground or surface water contamination, or adverse alteration of riparian habitat for the plants and animals along the Kenai River.

Depending on the specific type of development, your project will fall into one of three permitting categories:

No Application Required. These land uses or developments do not require an application with the City.

1. Trimming plants, removing dead or hazardous plants, or ordinary care of gardens or lawns.
2. Non-commercial recreation that does not involve construction of structures, walkways, paths, decks, gazebos, etc., excavation or filling of dirt or other material, or the removal of live vegetation.
3. Activities listed within Section 21.18.065 of the Kenai Peninsula Borough Code of Ordinances.

KROD Administrative Permit. If not exempt by the above section, the proposed activity or project may qualify for a KROD Administrative Permit. An applicant for a KROD Administrative Permit must submit an application for a site plan review and an associated \$50 fee to the City's Planning Department. If the following conditions are met, an Administrative Permit can be issued.

1. If the proposed land development or use involves one or more of the following:
 - a. Excavation of not more than 5 cubic yards.
 - b. Removal of an existing structure.
 - c. Additions or improvements to an existing, conforming structure will be allowed one time only, not to exceed 25 percent of the structural footprint.

- d. Repair or maintenance of an existing structure, which does not enlarge the footprint.
 - e. Habitat protection projects including:
 - i. Construction, installation, repair and maintenance of ladders, steps, cantilevered walkways, platforms, or docks. Walkways, stairs, steps or ladders with a minimum of 50 percent light penetration shall be elevated to at least the height of the supporting framing with no part of the supporting structure other than supporting piles or posts in direct contact with the ground. Walkways, stairs, steps, and ladders with less than 50 percent light penetration shall be elevated to no less than 18 inches above the ground measured to the bottom of the decking.
 - ii. Bank restoration and/or protection projects
 - iii. Maintenance dredging activities
2. No live vegetation removal is allowed except to accomplish work described above.
 3. There is no significant erosion, ground or surface water contamination, or adverse alteration of the riparian habitat.

KROD Conditional Use Permit. If the project or use is not exempt (no application required) or does not fit within the parameters of the KROD Administrative Permit, then an applicant may choose to submit an application for a KROD Conditional Use Permit. The applicant must submit a site plan and a conditional use permit application to the City's Planning Department, along with a \$250 fee. The City will prepare a staff report and schedule a public hearing in front of the Planning and Zoning Commission. Notification of the public hearing will be mailed to neighboring property owners within 300 feet of the subject property.

In order to grant a Conditional Use Permit, the Planning Commission must find that the project meets the general standards of conditional use approval, as provided in the Soldotna Municipal Code (17.10.400.E):

1. The use and the development scheme for the use is in harmony with the intent of the zoning district in which it is to be located and with any specific standards associated with that conditional use within the district;
2. The use is in harmony with the general standards of this zoning code, the Comprehensive Plan, and surrounding land uses;
3. The use shall be so located and arranged on the site to avoid significant noise, glare, odor or other nuisances and dangers;
4. The development of the use shall not significantly impair the value of the adjoining property;
5. The size and scale of the use is such that it shall be adequately served by existing public services and facilities; and
6. Granting of the conditional use shall not be harmful to the public safety, health, or welfare.

In addition to these standards, the Commission will require the applicant to meet any conditions imposed to mitigate the potential for significant erosion, ground or surface water contamination, or adverse alteration of the riparian habitat.