

# Kenai Peninsula Borough Assembly

---

## MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Lane Chesley, Assembly Member <sup>LC</sup>  
Mike Tupper, Assembly Member <sup>MT</sup>

**DATE:** September 28, 2023

**SUBJECT:** **Chesley and Tupper Amendment #1** Amending Ordinance 2022-36 Substitute, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Conditional Land Use Permits and Material Site Permits, Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions (Johnson, Chesley)

---

[Please note the bold underlined language is new and the strikethrough bold language in brackets is to be deleted.]

➤ Amend KPB 21.29.050(A), as follows:

21.29.050. Permit conditions applicable to all permits.

A. The planning commission or planning director, as applicable, must impose the following mandatory conditions prior to approval of a permit under this chapter:

1. Buffer Zone.

....

**f. For material site parcels with boundaries which include coastal cut banks, the mandatory buffer area condition in subsection (A) above must be increased to 100 feet between the area of excavation and the coastal cut bank. The planning commission may waive this requirement in uninhabited areas or if the planning commission finds based on substantial evidence presented that the waiver of the increased buffer area will not endanger the public health, welfare and safety of the vicinity. For the purposes of this subsection, "coastal cut banks" are defined as banks of marine coasts with exposed soil surface that have occurred from natural or manmade causes whether the exposed surface extends to the high water mark or not.**

....

Your consideration is appreciated.