


# Kenai Peninsula Borough Assembly

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## MEMORANDUM

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

**FROM:** Lane Chesley, Assembly Member 

**DATE:** June 20, 2023

**SUBJECT:** **Chesley Amendment #8 Replacement** Amending Ordinance 2022-36, 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)

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

➤ Amend KPB 21.29.050(B), as follows:

21.29.050. Permit conditions applicable to all permits.

B. Discretionary Conditions. The planning commission or planning director, as applicable, may set conditions of approval for issuance of a counter permit or CLUP, as appropriate for the area in which the development is sited, for the following:

...

8. ~~[Visual exclusion]~~ **Special Impacts Zone (SIZ).**

- a. **The screening of adverse visual, noise, and dust protects public health, safety, and general welfare. General welfare is further served through imposition of this zone. The distance restrictions balance the right to quiet enjoyment of one's property against development rights. Residents within this zone may request screening methods that are objective, measurable, and within the overall regulatory limits set by this chapter by providing substantial evidence to support the request.**
- b. For counter permits, visual, noise, and dust impacts that cannot be ~~[reasonably mitigated]~~ **screened as set forth in Subsection 8(a)** within 500 **horizontal** feet of an existing principle residential structure may be grounds for denial. For Type 1, 2, and 3 ~~[CLUP]~~ **Endorsements**, visual, noise, and dust impacts that cannot be ~~[reasonably mitigated]~~ **screened as set forth in Subsection 8(a)** within 750 **horizontal** feet of an existing principle residential structure may be grounds for denial. **The distances specified in this subsection will be measured from any outer wall of a principle residential structure to the nearest boundary of the proposed material site parcel.**

Your consideration is appreciated.