

Kenai Peninsula Borough

144 North Binkley Street Soldotna, AK 99669

Meeting Agenda Planning Commission

Monday, December 8, 2025

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible

ZOOM MEETING DETAILS

Zoom Meeting Link: https://us06web.zoom.us/j/9077142200 Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative 10 minutes
- 3) Public testimony on the issue. 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

- 1. Time Extension Request
- a. KPB-7328 Tuttle Subdivision 2023 Replat; KPB File 2023-120

Attachments: C1. TE-Tuttle Sub 2023 Replat Packet

- 2. Planning Commission Resolutions None
- 3. Plats Granted Administrative Approval

<u>KPB-7329</u> 12/08/25 Administrative Approvals Report

Attachments: C3. Admin Approval Report

4. Plats Granted Final Approval (KPB 20.10.040)

KPB-7330 12/08/25 Final Plats Approval Report

Attachments: C4. Final Approval Report

- 5. Plat Amendment Request None
- 6. Commissioner Excused Absences None
- 7. Minutes

<u>KPB-7331</u> November 17, 2025 Planning Commission Minutes

Attachments: C7. 111725 PC Minutes

- **D. OLD BUSINESS None**
- E. NEW BUSINESS

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1. KPB-7332 Utility Easement Vacation; KPB File 2025-143V

Johnson Surveying / Whitcomb

Request: Vacates two 20' wide utility easements granted by Stephens Subdivision (KN 76-111) that begin 10' back from the Alexander Road ROW & proceed in a northerly direction, one beginning to the west of Hidden Valley Circle & ending near Corona Court cul-de-sac and one beginning to the east of Hidden Valley Circle & ending near Hidden Valley Circle and de sac

Valley Circle cul-de-sac

Location: Lot 5A Block 2, Stephens Subdivision Whitcomb Replat, KN

2023-53

Nikiski Area / Nikiski APC

Attachments: E1. UEV-Stephen Sub Whitcomb Replat Packet

PHN UEV-Stephens Sub Whitcomb Addn 2025 Replat

2. <u>KPB-7333</u> Conditional Use Permit; PC Resolution 2025 - 32

Applicant: Alaska Department of Transportation

Request: Stabilize the existing Sterling Highway with fill within the

HPD of Kenai Lake

Location: MP 45 of the Sterling Highway Cooper Landing Area / Cooper Landing APC

Attachments: E2. CUP_AK_DOT_Packet

E2. CUP-AK DOT Desk Packet

PHN CUP 2025-32 ADOT

3. KPB-7334 Conditional Land Use Permit; PC Resolution 2025-33

Applicant: Colaska Inc. DBA QAP

Request: To operate a material site (gravel pit)

Parcel Number: 06304702

Address: 36780 Robinson Loop Road

Sterling Area

Attachments: E3. CLUP QAP Packet

E3. CLUP-QAP Desk Packet

E3. CUP-QAP Supplemental Desk Packet

KPB 21.29 Material Site Permits

PHN CLUP 2025-33 QAP

F. PLAT COMMITTEE REPORT - Plat Committee will review 4 plats

G. OTHER

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H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, January 5, 2026 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144

North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

website: http://www.kpb.us/planning-dept/planning-home

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

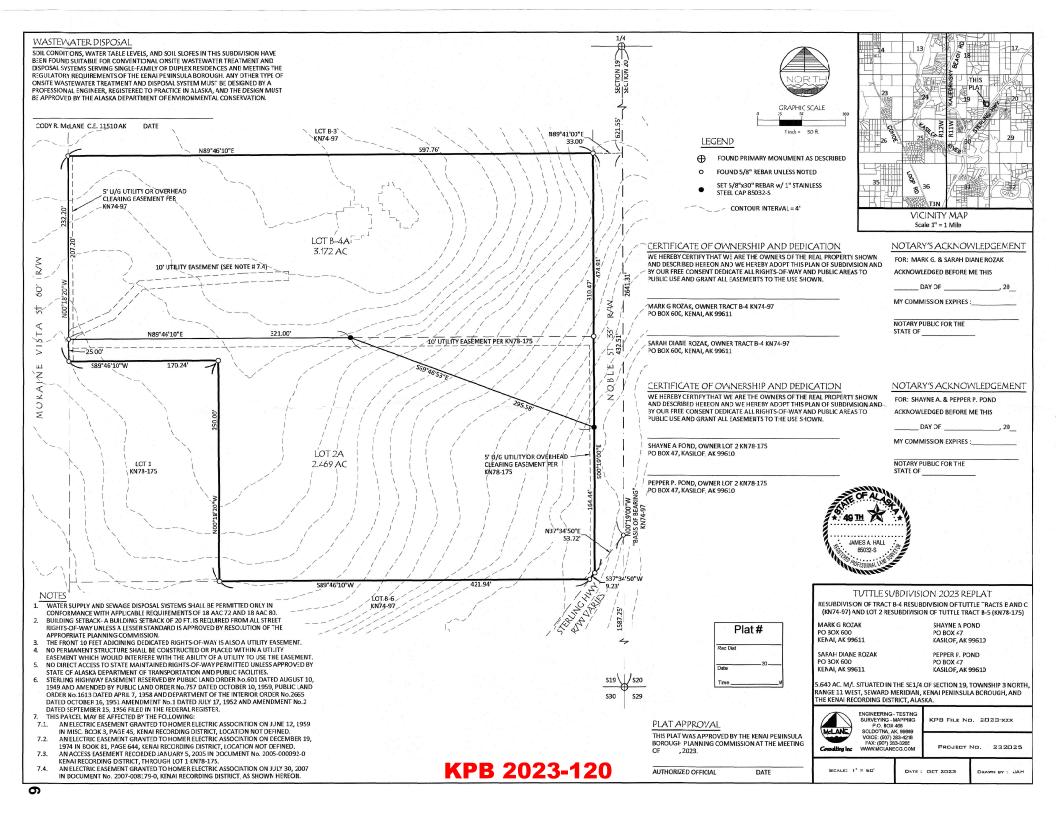
Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

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C. CONSENT AGENDA

- *1. Time Extension Request
 - a. Tuttle Subdivision 2023 Replat; KPB File 2023-120



TIME EXTENSION REQUEST TUTTLE SUBDIVISION 2023 REPLAT

KPB File No.	2023-120
Applicant / Owner:	Mark G. & Sarah Diane Rozak and Shayne A. & Pepper P. Pond
Surveyor:	Andrew Hamilton / McLane Consulting, Inc.
General Location:	Moraine Vista Street and Noble Street / Kasilof

STAFF REPORT

PC Meeting: Administrative Approval

<u> 2023</u>

On October 20, 2023, a complete preliminary plat application was submitted to the Planning Department. The Plat Committee reviewed the preliminary plat and granted conditional approval for a two year-year period during their regularly scheduled meeting on November 13, 2023. A Notice of Decision was emailed to the surveyors on November 14, 2023, and mailed to interested parties on November 15, 2023.

2025

On April 10, 2025, a paper final plat was submitted to the Planning Department for review. Staff issued a review letter on June 5, 2025, requesting corrections and additional information. A final mylar was submitted on July 17, 2025. A review letter followed on September 17, 2025, requesting further edits and clarification.

On September 25, 2025, an updated Certificate to Plat (CTP) was received, identifying a new Beneficial Interest Holder (BIH). The surveyor and property owners were notified via email on September 29, 2025. A notice was mailed to the BIH on September 26, 2025, and letter of non-objection was received from the BIH on October 3, 2025.

On October 6, 2025, staff emailed the surveyor regarding the upcoming file expiration date on November 13, 2025. The surveyor responded the same day with a Time Extension request, noting that a Deed of Trust was included in the final CTP and that they were awaiting comments from the lender.

On October 24, 2025, staff informed the surveyor and owners via email that the letter of non-objection has been received and that final approval was pending payment of 2025 taxes. The surveyor replied the same day, explaining that both landowners pay their property taxes through their mortgages, and that last year's payments were processed around November 17th, they wanted to ensure the Time Extension Request was submitted before the preliminary plat approval expiration date of November 13, 2025.

This time extension request is the first time extension request associated with this subdivision plat. Per KPB 20.25.110 only two 2-year time extension requests may be granted. This time extension request will extend the subdivision approval to November 13, 2027. If the plat is not recorded before November 13, 2027, or the second and final time extension is not requested, then the approval will expire and a new plat submittal will be required to complete the subdivision.

There have been no changes in the area that would affect this plat.

STAFF RECOMMENDATIONS: Extend preliminary plat approval for two years to November 13, 2027, subject to the following:

- Copy of plat with current utility reviews being submitted with the final plat
- 2. Plat must comply with current Kenai Peninsula Borough Code.

NOTE: Per KPB 20.25.110(A), upon application by the subdivider prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A second and final two-year extension may be granted by the planning director when requested by the subdivider prior to expiration of the previous approval, allowing for a total approval time of six years. Expiration of time extensions will require the submission of, and action on, a new preliminary plat.

END OF STAFF REPORT	
APPROVED	
Coup	11-12-2025
Robert Ruffner, Planning Director	Date



Kenai Peninsula Borough Planning Department 144 North Binkley Street Soldotna, Alaska 99669 Phone: (907) 714-2200 Fax: (907) 714-2378

TIME EXTENSION REQUEST FORM

	Name of Subdivision: Tuttle Subdivision 2023 Replat	
	Location of Subdivision: Kasilof Area	
	KPB Number: 2023-120	
	Date of Planning Commission Approval(s)	
	11/13/2023	
		
		
	Reason for time extension request. Deed of Trust was found in final CTP - awaiting comments from Lender	
Date:	10/6/2025	
Siano	iture of Surveyor/Property Owner: Andrew Hamilton	

Source: Resolution 89-27

REVISED 051617

C. CONSENT AGENDA

*3. Administrative Approvals

- a. Bridge Creek Coop Subdivision 2024 Replat; KPB File 2024-133
- b. Frank Raby 1971 Addition Tract M 2024 Replat; KPB File 2024-090
- c. Jack Gist Subdivision No. 3 Phase 2; KPB File 2020-107P2
- d. Sterling Vista Subdivision; KPB File 2025-005
- e. TJ Seggy's Subdivision Frisk Addition; KPB File 2024-142
- f. Tuttle Subdivisions 2023 Replat; KPB File 2023-120
- g. Whitcomb Subdivisions Addition Number 7; KPB File 2025-068



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ADMINISTRATIVE APPROVAL

Subdivision:

Bridge Creek Coop Subdivision 2024 Replat

KPB File 2024-133

Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 13, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 19, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 19 day of November 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

Frank Raby 1971 Addition Tract M 2024 Replat

KPB File 2024-090

Seldovia Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 9, 2024. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 19, 2025.

Vince Piagentini

Platting Manager

State of Alaska

Kenai Peninsula Borough

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Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

Jack Gist Subdivision No 3 Phase 2

KPB File 2020-107P2

Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 28, 2020. Approval for the plat is valid for two years from the date of approval. A Time Extension was requested and granted, extending the subdivision approval to September 28, 2022. Phase I was recorded with DNR on May 26, 2023, extending approval of the preliminary design plat to May 26, 2025. On January 31, 2025 the Phase 2 final plat was received and reviewed. A second Time Extension was requested on May 14, 2025 and was granted, extending subdivision approval to May 26, 2027.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 12, 2025.

Vince Piagentini

Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 12th day of November 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

Sterling Vista Subdivision Roster Replat

KPB File 2025-005

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on February 10, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 12, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

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Notary Public for the State of Alaska

My commission expires: with a ffice

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

TJ Seggy's Subdivision Frisk Addition

KPB File 2024-142

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January, 27, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 12, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 24 day of November 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public
Sandra K. Simons
State of Alaska
My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision:

Tuttle Subdivision 2023 Replat

KPB File 2023-120

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 13, 2023. Approval for the plat is valid for two years from the date of approval.

A Time Extension Request was received October 6, 2025. Approval for the Time Extension was granted, extending the subdivision approval to November 13, 2027.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 19, 2025.

Vince Piagentini

Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 19⁴⁷ day of November 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office



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ADMINISTRATIVE APPROVAL

Subdivision: Whitcomb Subdivision Addition Number 7

KPB File 2025-068

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 27, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, November 19, 2025.

Vince Piagentini

Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 19 day of November 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office

C. CONSENT AGENDA

- *4. Final Approvals
 - a. Terra-B Subdivision Swarner Addition; KPB File 2025-112



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FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision:

Terra-B Subdivision Swarner Addition

KPB File 2025-112

Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Wednesday, November 12, 2025.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 12th day of November 2025 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

Notary Public Sandra K. Simons State of Alaska My Commission Expires With Office

C. CONSENT AGENDA

- *7. Minutes
 - a. November 17, 2025 Planning Commission Meeting Minutes

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

NOVEMBER 17, 2025 7:30 P.M. UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present
Jeremy Brantley, Sterling / Funny River
Jeffery Epperheimer, Nikiski District
Pamela Gillham, Kalifornsky/Kasilof District
Dawson Slaughter, Southern Peninsula District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Karina England, City of Seward
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer

With 9 members present, a quorum was present.

Staff Present

Robert Ruffner, Planning Department Director Vince Piagentini, Platting Manager Jenny Robertson, LM Administrative Assistant Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

*2 Planning Commission Resolution

a. PC Resolution 2025-30

*3. Administrative Approvals

- a. Friday Replat; KPB File 2025-034
- b. Liebenthal Subdivision 2024 Addition; KPB File 2024-086
- c. Lookout Valley Subdivision; KPB File 2025-056
- d. River Acres Subdivision Blu River Addition; KPB File 2025-067
- e. Snowland Estates 2025; KPB File 2025-019

*4. Final Approvals

- Bailey Estates Karpik Rice Replat; KPB File 2025-001
- b. Cape Resurrection Subdivision Sanefur Seavey Replat; KPB File 2024-113

7. Minutes

a. October 27, 2025 Planning Commission Meeting Minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Whitney to approve the consent and regular agendas.

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Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT PERMITS A PORTION OF A 40.2 BY 60.2-FOOT BUILDING ON TRACT A3A, TO REMAIN WITHIN THE 20-FOOT BUILDING SETBACK ADJACENT TO MCDOWELL ROAD, AS GRANTED BY HARVEY SUBDIVISION NO 2 (KN 82-47)

KPB File No.	2025-161
Planning Commission Meeting:	November 17, 2025
Applicant / Owner:	Brett & Paula Nienhuis
Surveyor:	Mike Swan / Swan Surveying
General Location:	McDowell Road / Sterling Area
Parent Parcel No.:	063-490-26
Legal Description:	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0820047 HARVEY
	SUB NO 2 TRACT A3A
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted

PC RES 2025-31

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Resolution

<u>Brett Nienhuis, Petitioner; P.O. Box 202 Sterling, AK 99672:</u> Mr. Nienhuis made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

<u>MOTION:</u> Commissioner Whitney moved, seconded by Commissioner Gillham to adopt Planning Commission Resolution 2025-31 granting a building setback encroachment permit to Tract A3A, Harvey Subdivision No. 2, Plat KN 0820047, citing finding 1, 2, 9 & 10 in support of standard one, findings 1, 3 & 9 in support of standard two and findings 2, 3 & 9 in support of standard three and subject to the six conditions as stated in the staff report

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9 Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti	
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ITEM #2 - UTILITY EASEMENT ALTERATION VACATE A 20-FOOT-WIDE UTILITY EASEMENT CENTERED ON THE COMMON LOT LINE BETWEEN LOTS 1A AND 1B, BOUWENS SUBDIVISION # 2, PLAT HM 96-8.

KPB File No.	2025-128V	
Planning Commission Meeting:	November 17, 2025	
Applicant / Owner:	Patrick S. Wells, Andrew Matthews & Katie Schollenberg Matthews	
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC	
General Location:	Deep Creek Road / Happy Valley Area	

Kenai Peninsula Borough Page 2 22

Parent Parcel Number(s):	159-013-17 & 159-013-18
Legal Description:	159-013-17: T 2S R 14W SEC 9 S.M. HM 0960008 BOUWENS SUB #2 LOT 1A <i>AND</i> 159-013-18: T 2S R 14W SEC 9 S.M. HM 0960008 BOUWENS SUB #2 LOT 1B

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

<u>MOTION:</u> Commissioner Gillham moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the two conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

ITEM #3 - UTILITY EASEMENT ALTERATION

VACATE A 5-FOOT BY 70-FOOT PORTION OF THE 10-FOOT-WIDE UTILITY EASEMENT ADJACENT TO SKEETER STREET LOCATED IN THE NORTHWEST CORNER OF LOT 1A, BLOCK 1, STERLING HEIGHTS SCOOTER'S REPLAT, PLAT KN 93-87 AS DEPICTED ON THE EASEMENT VACATION EXHIBIT

KPB File No.	2025-156V
Planning Commission Meeting:	November 17, 2025
Applicant / Owner:	Kathleen A. Barrickman
Surveyor:	Jason Young / Edge Survey & Design
General Location:	Skeeter Street / Sterling Area
Parent Parcel Number:	063-454-09
Legal Description:	T 5N R 9W SEC 11 Seward Meridian KN 0930087 STERLING
	HEIGHTS SUB SCOOTER'S REPLAT LOT 1A BLK 1
Resolution:	PC RES 2025-29

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

<u>Jason Young, Edge Survey & Design, P.O. Box 59 Kasilof, AK 99610:</u> Mr. Young was the surveyor on this project and made himself available for questions.

Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

<u>MOTION:</u> Commissioner Epperheimer moved, seconded by Commissioner Gillham to adopt Planning Commission Resolution 2025-29, granting the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the one condition as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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Kenai Peninsula Borough Page 3 23

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda. There was no one who wished to comment.

AGENDA ITEM K. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting at 8:17 P.M.

Ann E. Shirnberg Administrative Assistant

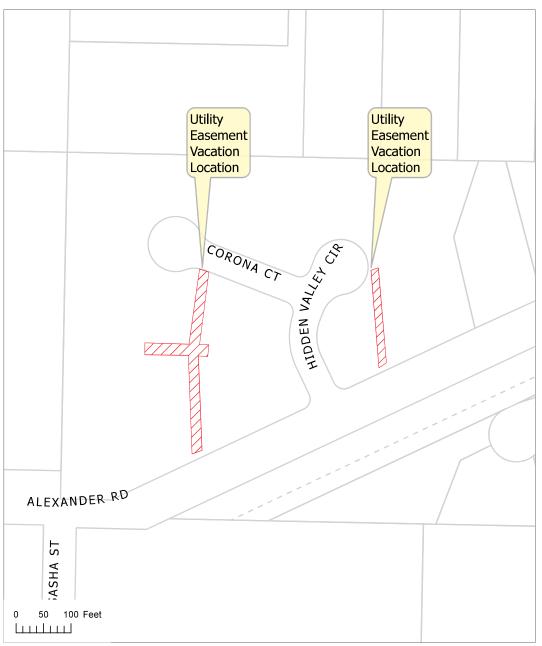
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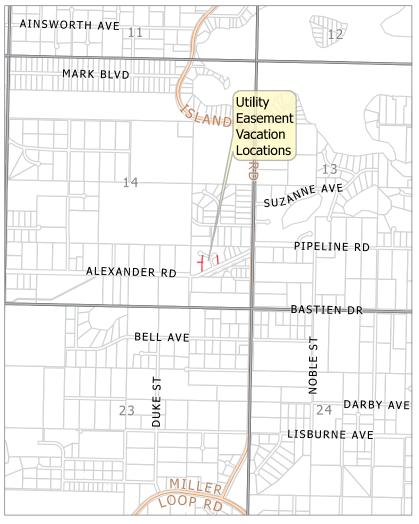
E. NEW BUSINESS

1. Utility Easement Vacation; KPB File 2025-143V
Johnson Surveying / Whitcomb
Request: Vacates two 20' wide utility easements granted by
Stephens Subdivision (KN 76-111) that begin 10' back from the
Alexander Road ROW & proceed in a northerly direction, one
beginning to the west of Hidden Valley Circle & ending near
Corona Court cul-de-sac and one beginning to the east of Hidden
Valley Circle & ending near Hidden Valley Circle cul-de-sac

Location: Lot 5A Block 2, Stephens Subdivision Whitcomb Replat,

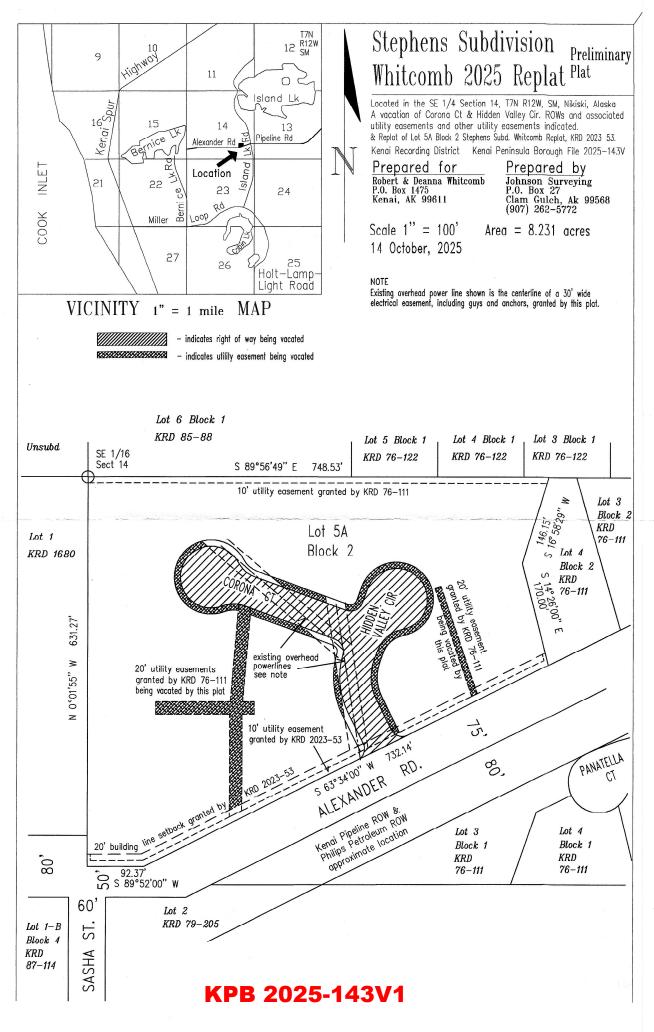
KN 2023-53 Nikiski Area / Nikiski APC Vicinity Map 11/17/2025





KPB File 2025-143V1 T07N R12W SEC14 Nikiski





AGENDA ITEM E. NEW BUSINESS

ITEM #1 - UTILITY EASEMENT ALTERATION

VACATE 20-FOOT-WIDE UTILITY EASEMENTS CENTERED ON THE FORMER COMMON LOT LINES OF LOTS 5 AND 6, AND LOTS 12 THROUGH 16, BLOCK 2, AS GRANTED BY STEPHENS SUBDIVISION, PLAT KN 76-111, AS DEPICTED ON THE PLAT SUBMITTAL.

KPB File No.	2025-143V1	
Planning Commission	December 8, 2025	
Meeting:		
Applicant / Owner:	Deanna Whitcomb and Robert Whitcomb of Kenai, Alaska	
Surveyor:	Jerry Johnson, Johnson Surveying	
General Location:	Between Bernice Lake and Island Lake, Nikiski Area	
Parent Parcel Number(s):	014-220-26	
Legal Description:	T 07N R 12W SEC 14 Seward Meridian KN 2023053 STEPHENS SUB	
	WHITCOMB REPLAT LOT 5A BLK 2	

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Utility easements proposed for vacation are not in use. Existing utilities have been placed in other locations eliminating the need for the easements proposed for vacation.

<u>Notification:</u> Notice of vacation mailings were sent by regular mail to twenty-five owners of property within 600 feet. Notice of the proposed vacation was emailed to nine agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

Staff Analysis:

Stephens Subdivision (KN 76-111) first subdivided the land in 1976, granting 10-foot utility easements along the interior common lot lines of Lots 5 and 6, and Lots 12 through 16, Block 2, as well as along the northern boundary of the plat. A 30-foot by 30-foot anchor easement was also granted on the southwest corner of Lot 16. **Staff recommends** the 30 foot anchor easement be added to the plat drawing per KN76-111.

In 2023, Stephens Subdivision Whitcomb Replat (KN 2023-53) consolidated all lots within Block 2 into a single parcel and granted a 10-foot utility easement adjacent to the rights-of-way, extending to 20-feet within 5 feet of the side lot lines. All previously granted easements were carried forward with this plat.

The 10-foot utility easements located on the former common lot lines are being petitioned for vacation and are shown on the plat with hatched markings. *Staff recommends* the easement shown to the east be correctly shown to the 20' width indicated. Current width is 10' on the drawing. *Staff recommends* the easements be extended to the south to intersect with Alexander Rd as shown on Plat KN 76-111 creating them as Plat KN2023-53 created new 10' utility easements adjacent to the right-of-way for use.

On October 13, 2025, the Planning Commission reviewed and approved a petition to vacate Corona Court and Hidden Valley Circle, including the 10-foot adjacent utility easements. On October 28, 2025, the KPB Assembly unanimously consented to the right-of-way and adjacent utility easement vacation.

Stephens Subdivision Whitcomb 2025 Replat will finalize the vacation of the right-of-way vacation and adjacent utility easement, and will also finalize the vacation of the utility easements as petitioned for vacation as shown on the submittal. The submittal of Stephens Subdivision Whitcomb 2025 Replat was postponed on the December 8, 2025 Plat Committee meeting due to needing additional information and will be put on the next meeting when information is submitted.

Page 1 of 3

HEA has indicated no objections to vacating the petitioned easements. In addition, HEA has requested that a utility easement be granted along the overhead powerline on the plat that finalizes the vacations. This requested easement has been depicted on the submittal, and a corresponding note has been included.

Utility provider review:

HEA	Comment as noted above.
ENSTAR	Approved as shown
ACS	No objections
GCI	No response

Applicant Findings:

- 1. Utility easements proposed for vacation are not in use.
- 2. Existing utilities have been placed in other locations eliminating the need for the easements proposed for vacation.

Staff Findings:

- 3. ACS, ENSTAR, and HEA provided written non-objection to the proposed vacation.
- 4. Stephens Subdivision (KN 76-111) granted 10-foot utility easements along the interior common lot lines of Lots 5 and 6, and Lots 12 through 16, Block 2, as well as along the northern boundary of the plat. A 30-foot by 30-foot anchor easement was also granted on the southwest corner of Lot 16.
- 5. Stephens Subdivision Whitcomb Replat (KN 2023-53) consolidated all lots within Block 2 into a single parcel and granted a 10-foot utility easement adjacent to the rights-of-way. All previously granted easements were carried forward with this plat.
- 6. On October 13, 2025, the Planning Commission reviewed and approved a petition to vacate Corona Court and Hidden Valley Circle, including the 10-foot adjacent utility easements. On October 28, 2025, the KPB Assembly unanimously consented to the right-of-way vacation.
- 7. Stephens Subdivision Whitcomb 2025 Replat will finalize the right-of-way vacation, including the 10-foot adjacent utility easements, and will also finalize the vacation of the utility easements as petitioned for vacation as shown on the submittal.
- 8. The following easements will be carried forward on the plat: 10-foot utility easement along the northern boundary; 10-foot utility easement along Alexander Road; 30-foot by 30-foot anchor easement.
- 9. The requested utility easement by HEA has been depicted on the submittal.
- 10. No surrounding properties will be denied utility access with the granting of this vacation.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- If approved, include a note referencing the meeting date the Planning Commission granted approval of the utility easement vacation.
- Correct the width of the east easement being proposed for vacation.
- o Show the right-of-way of Alexander Rd and the pipeline in similar configuration as shown on KN 2023-53.
- o Correct the ROW width Alexander Rd to the west to 100'

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends <u>APPROVAL</u> of the utility easement alteration as petitioned, subject to:

- 1. Grant utility easements requested by any utility providers.
- 2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,

Page 2 of 3

- b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

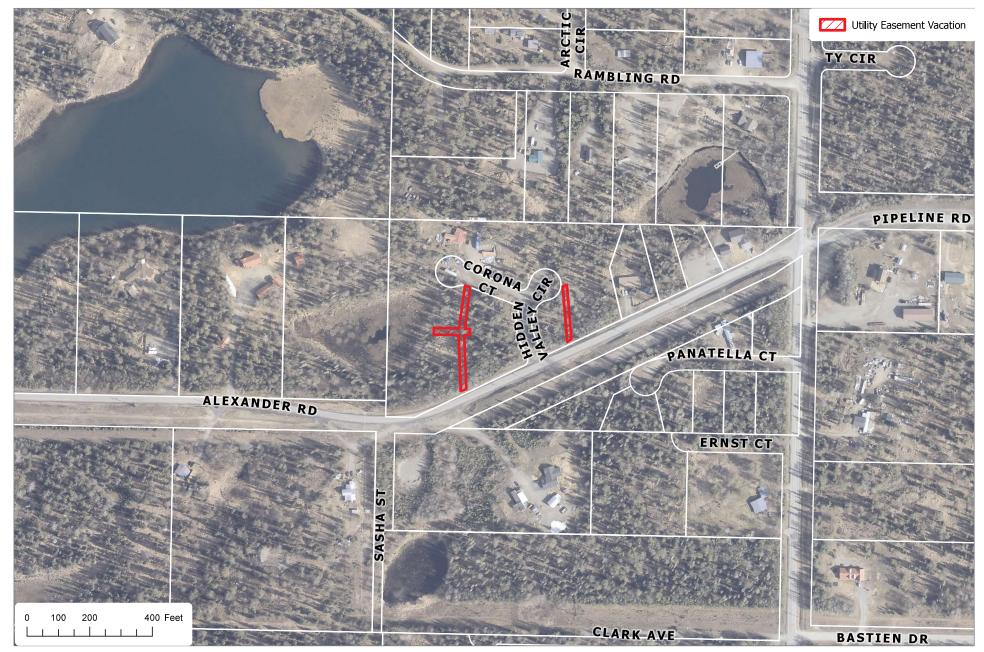
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- Focus Area: Energy and Utilities
 - Objective A Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.
 - Strategy 1. Near Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.
 - Strategy 2. Near Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.
 - Strategy 3. Near Term: Identify potential utility routes on Borough lands.
- Housing
 - Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.
 - Strategy 1. Near Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

END OF STAFF REPORT

Aerial Map



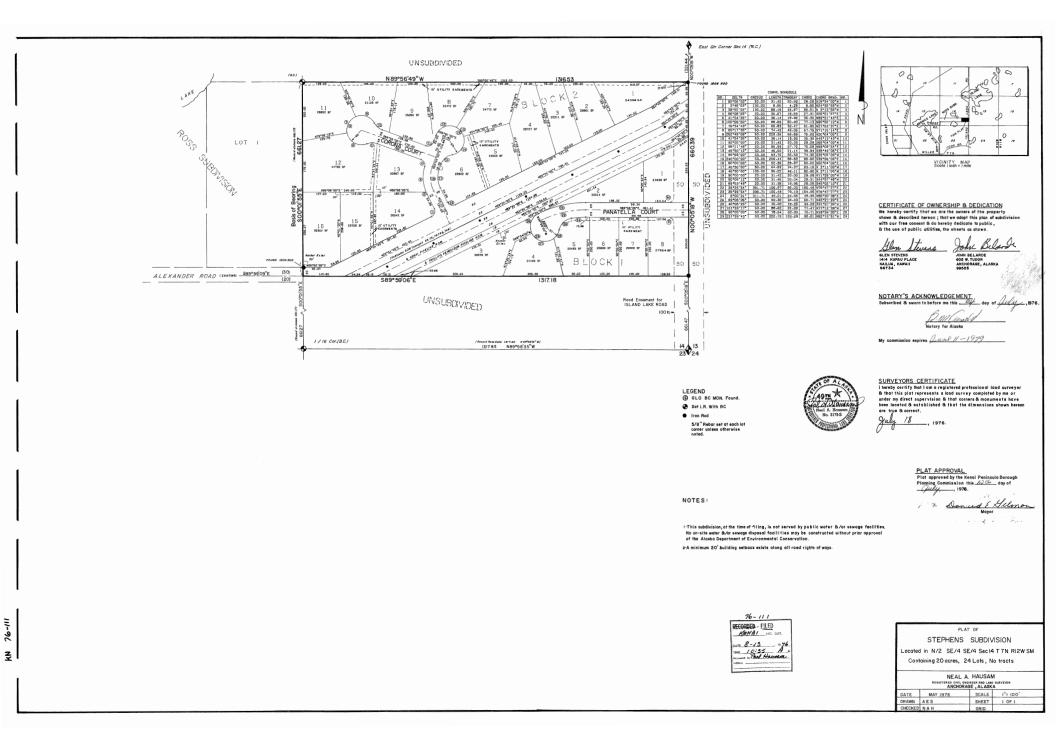


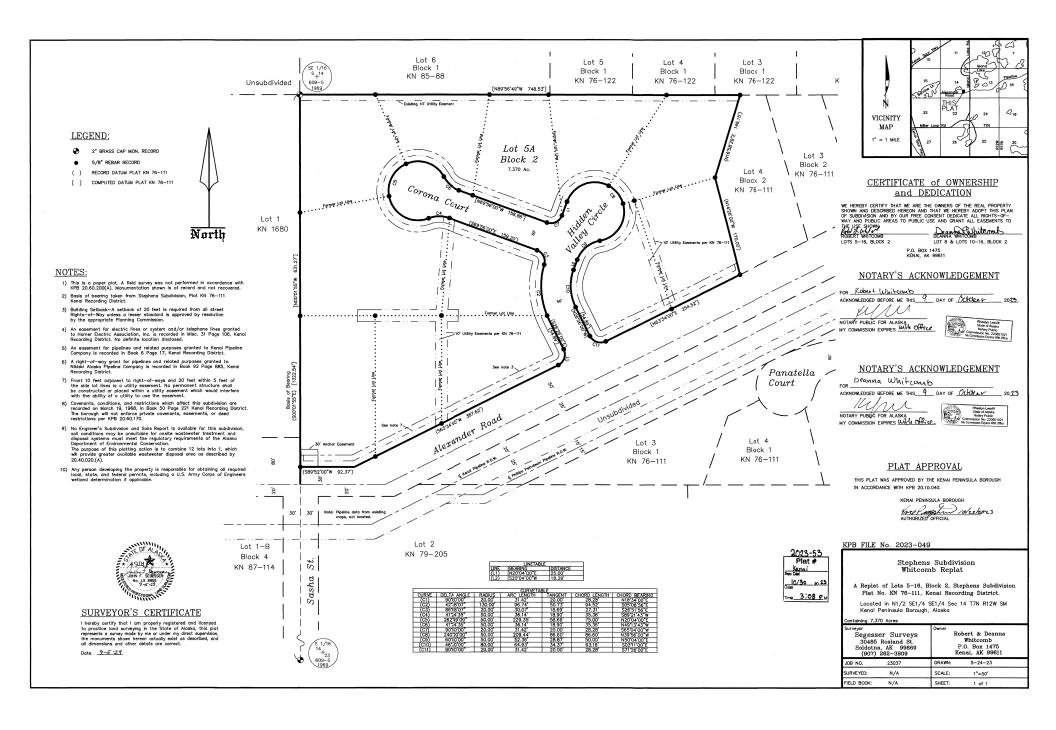
Aerial with 5-foot Contours

KPB File 2025-143V1 11/17/2025











144 North Binkley Street, Soldotna, AK 99669 | (P) 907-714-2200 | (F) 907-714-2378 | www.kpb.us

NOTICE OF PROPOSED UTILITY EASEMENT VACATION

Notice is hereby given that an application to vacate a utility easement in the Nikiski area was received on 11/17/2025 by the Planning Department of the Kenai Peninsula Borough.

In accordance with Chapter 20 of the Borough Code of Ordinances, all owners of properties within a 300-foot radius must be notified of the proposed vacation. According to Borough records, you are an owner of property within that radius or you are an affected party.

<u>Request / Affected Property</u>: Vacates two 20' wide utility easements (granted by KN 76-111) that begin 10' back from the Alexander Road right of way and proceed in a northerly direction, one beginning to the west of Hidden Valley Circle and ending near Corona Court cul-de-sac and one beginning to the east of Hidden Valley Circle and ending near Hidden Valley Circle cul-de-sac

KPB File No. 2025-143V1

Petitioner(s)/ Land owner(s): Robert & Deanna Whitcomb of Kenai, AK.

<u>Purpose as stated in petition</u>: Utility easements proposed for vacation are not in use. Existing utilities have been placed in other locations eliminating the need for the easements proposed for vacation.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, December 8, 2025** commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend Zoom from computer visit the meeting using а https://us06web.zoom.us/j/9077142200. You may also connect to Zoom by telephone, call toll free 1-888-788-0099 or 1-877-853-5247. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at https://www.kpb.us/local-governance-and-permitting/leadership-governance/planningcommission/planning-public-notices.

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, December 5, 2025.** The deadline to submit written

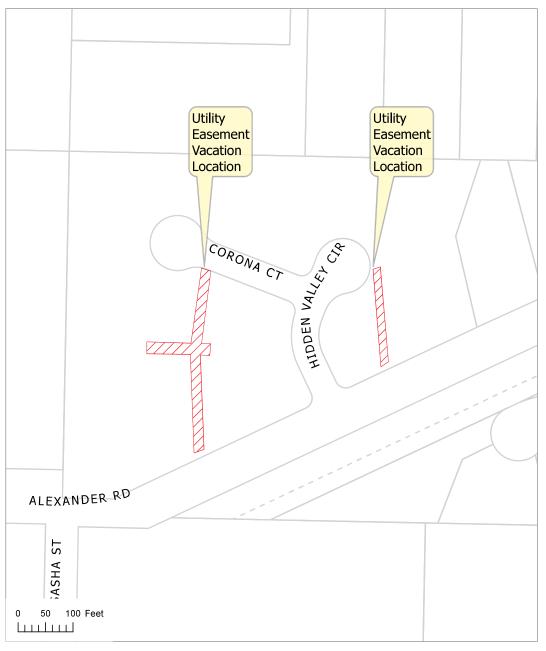
comments or documents does not impact the ability to provide verbal testimony at the public hearing.

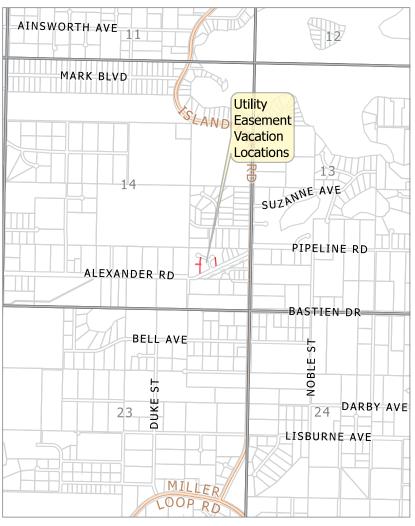
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at https://kpb.legistar.com/Calendar.aspx. Use the search options to find the correct timeframe and committee.

For additional information, contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 Toll Free within the Kenai Peninsula Borough).

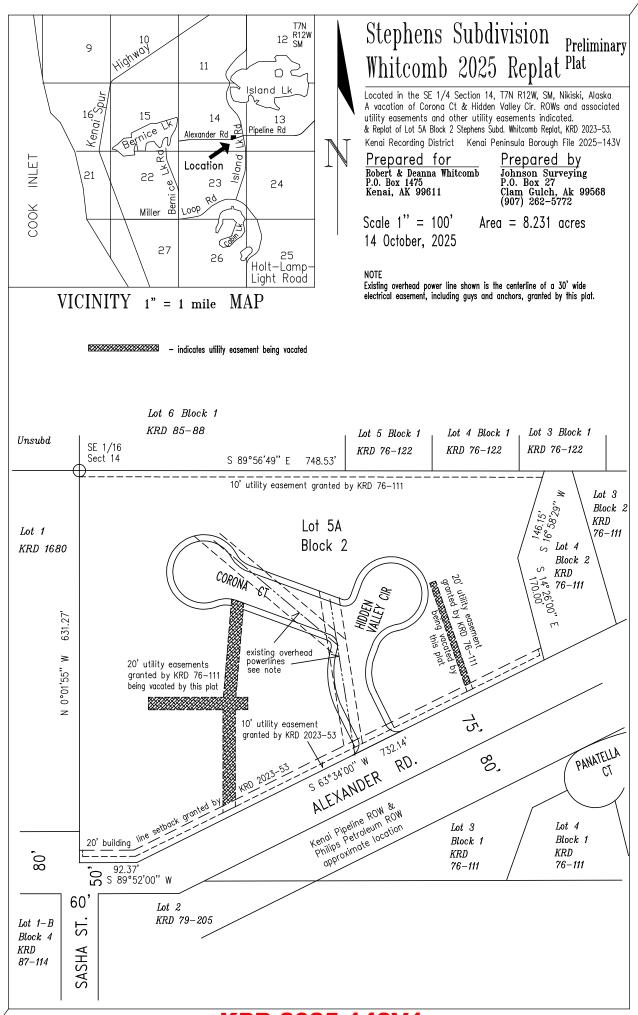
Mailed 11/18/2025

Vicinity Map 11/17/2025





KPB File 2025-143V1 T07N R12W SEC14 Nikiski



E. NEW BUSINESS

2. Conditional Use Permit; PC Resolution 2025 - 32

Applicant: Alaska Department of Transportation

Request: Stabilize the existing Sterling Highway with fill within the

HPD of Kenai Lake

Location: MP 45 of the Sterling Highway Cooper Landing Area / Cooper Landing APC



10/27/2025

Samantha Lopez, River Center Manager Kenai Peninsula Borough 514 Funny River Road Soldotna, Alaska 99669

Subject: Sterling Highway MP 45-60, Stage 1B

CFHWY00694

Dear Ms. Lopez,

The Alaska Department of Transportation and Public Facilities (DOT&PF) is requesting a permit authorization for activities associated with Stage 1B of the Sterling Highway Milepost (MP) 45-60 Project (the Project). This stage is located between MP 45 and MP 45.5 of the Sterling Highway, within Sections 25–27 and 36, Township 5 North, Range 3 West, on the USGS Seward B-8 NE Quadrangle Map.

Project Description

The Sterling Highway MP 45-60 Project addresses improvements to the Sterling Highway from the intersection of Quartz Creek Road to the intersection with the east end of Skilak Lake Road near Cooper Landing, Alaska. The highway is classified as a rural principal arterial and is part of the National Highway System. The proposed project would be 14.6 miles long and would include a segment built on a new alignment approximately 10 miles long skirting Cooper Landing to the north. The proposed project will include approximately four miles of improvements to the existing highway and incorporate passing lanes, turning lanes, drainage improvements, wildlife crossings, a new bridge over Juneau Creek, pedestrian facilities, parking lots/trailheads, and other related items, including compensatory mitigation requirements and other commitments.

The purpose of the project is to construct the highway to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreational destinations in the area. The project meets three identified needs: reduce highway congestion, meet current highway design standards, and improve highway safety. Additional project description information is available on the project website at http://sterlinghighway.net/.

The project is being implemented in multiple design and construction phases. This permit application specifically seeks authorization for the placement of fill and related construction activities within the Kenai Peninsula Borough's (KPB) 50-foot Habitat Protection District (HPD) to support construction of the new corridor and installation of a Mechanically Stabilized Earth (MSE) wall between MP 45.0 and 45.5.

Impact Summary

DOT&PF proposes excavating and placing fill above the ordinary high water mark, along with associated vegetation clearing and grubbing, within the HPD of Kenai Lake. These activities are needed to support construction of the highway corridor and the MSE wall.

Ms. Samantha Lopez Kenai Peninsula Borough 10/27/2025 Page **2** of **2**

Kenai Lake is regulated by the KPB Kenai River Center due to the presence of anadromous fish. The proposed work will occur on land managed by the State of Alaska Department of Natural Resources (ADNR) within the Kenai River Special Management Area.

No wetlands are present in the project area. The project area is located in an area where the 1981 FEMA Flood Insurance Rate Map (FIRM Panel 0200122150A) was not printed because no special flood hazard was identified (Zone D). Additionally, a review of the Alaska Department of Fish and Game Anadromous Fish Catalog confirms no other anadromous fish-supporting water bodies are in the vicinity and the unnamed stream adjacent to the project area will not be disturbed.

Permits and Authorizations Required

DOWL has identified the following permits:

- Kenai Peninsula Borough Multi-Agency Permit
- Kenai Peninsula Borough Minor Vegetation Management Permit
- Alaska Department of Natural Resources Special Park Use Permit

The Supplemental Information document (Attachment 1) is provided in support of these permit applications. It includes detailed descriptions of the project location, construction activities, environmental considerations, and mitigation measures. This information is intended to fulfill the informational requirements of the above permits and should be reviewed in conjunction with the attached application forms and engineering plans.

Sincerely, DOWL

Holly Hansmeier Environmental Specialist

Attachment(s):

- 1) Supplemental Information
- 2) Sterling MP 45-60 1B Project Plan and Profile
- 3) KPB Multi-Agency Permit
- 4) Best Management Practices

CC:

ADNR, parkpermitting@alaska.gov

Attachment 1: Supplemental Information



Supplemental Information

Project Description

The Alaska Department of Transportation and Public Facilities (DOT&PF) is requesting authorization to conduct activities in association with the Sterling Highway 45-60 Project. The purpose of the overall project is to construct the highway to current standards for a rural principal arterial, enabling it to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreation destinations in the area. The project meets three identified needs: reduce highway congestion, meet current highway design standards, and improve highway safety. The overall project is to be completed in stages, some of which have been completed or are currently under construction. Further project information is available on the project website at http://sterlinghighway.net/.

This permit request is seeking authorization for vegetation grubbing, excavation, and placement of fill within the Kenai Peninsula Borough's (KPB) 50-foot Habitat Protection District (HPD) along the Sterling Highway in Cooper Landing, Alaska. The HPD includes all lands within 50 feet of the ordinary high water (OHW) mark of anadromous waters. The proposed activities to occur in the HPD will support Stage 1B construction of the new corridor and installation of a Mechanically Stabilized Earth (MSE) wall adjacent to Kenai Lake. According to the Alaska Department of Fish and Game Anadromous Waters Catalog (AWC), Kenai Lake (AWC ID 244-30-10010-0020) is an anadromous water body that supports all five species of salmon, as well as resident fish such as Dolly Varden and whitefish. No other waterbodies listed in the AWC are located within or near the project area.

Although the new corridor and MSE wall itself will be constructed outside of the HPD, limited encroachment into the HPD is necessary to maintain two lanes of traffic, construction of the new corridor, and connecting the roadway embankment into the wall.

Project Location

Project activities will occur within the Sterling Highway right-of-way (ROW) in Cooper Landing, Alaska within Sections 25-27 and 36, Township 5 North, Range 3 West on USGS Quadrangle Map Seward B-8 NE, within KPB parcel IDs: 11912608 and 11912409.

The MSE wall will be located between Stations 2092+00 and 2098+00, between Mileposts 45.0 and 45.5 of the Sterling Highway (Attachment 2, Sheet 1). Proposed activities will take place downslope of the proposed MSE wall, within DOT&PF ROW. The work will occur within the Kenai River Special Management Area, which is regulated by Alaska Department of Natural Resources under a Special Use Permit. Similar permits have been issued for previous phases of the project.

Project Activities

Construction activities within the HPD will include vegetation clearing and grubbing, excavation, and placement of fill material. All work will occur above the OHW mark of Kenai Lake. No streams crossings are anticipated.

Construction is anticipated to occur between June 2026 to August 2027 and will include the following activities:

- Traffic detour #2 construction (June 2026)
- Installation of the MSE wall (June–July 2027)
- Final clean-up and revegetation (July–August 2027)

Excavation

- Material Type: Topsoil
- Approximately 5,565 square feet (sq. ft.)
- Depth: 6-18 inches
- Volume: Approximately 100 to 300 cubic yards
- Location to be deposited: Topsoil will be reused. All other materials, such as vegetation, will be disposed would be placed in a permitted solid waste landfill, to be determined by the Contractor.

Fill

- Material Type: Structural gravel for embankment construction, topsoil for final restoration
- Area: Approximately 5,565 sq. ft.
 - o Temporary: Approximately 4,458 sq. ft.
 - o Permanent: Approximately 1,107 sq. ft.
- Depth: Variable, ranging from 1.0 foot to 16 foot
- Volume: Approximately 1,500 cubic yards of fill material and ~400 cubic yards of topsoil

Equipment

Various methods may be used during construction and include equipment such as:

- Excavators excavation, grading, site preparation
- Bulldozers vegetation clearing, rough grading
- Dump trucks material hauling
- Front-end loaders fill placement
- Compactors/rollers fill stabilization
- Graders finishing work
- Chainsaws/brush clearing tools vegetation removal

Field Investigation

On September 30, 2025, DOWL, LLC Environmental Specialists Holly Hansmeier and Gretchen Dana conducted a tree count survey within the proposed project fill areas occurring in the HPD. The purpose of the survey was to inform the KPB Minor Vegetation Management Permit application with required information. All vegetation surveyed is located upslope of Kenai Lake shoreline and downslope of the Sterling Highway.

For each tree¹ and shrub² observed within the survey area, the following data was collected and recorded:

1. Species

.

¹ "Tree" refers to a tree with diameter greater or equal to 6-inches at 4.5 feet above the ground, referred to as Diameter at Breast Height (DBH)

² "Shrubs" refers to a woody perennial plant differing from a tree by its low stature and by generally producing several basal stems instead of a single bole and from a perennial herb by its persistent and woody stems

- 2. GPS location
- 3. Diameter at Breast Height (DBH)
- 4. Photograph of tree documenting DBH

A total of 86 trees or shrub thickets were counted within the project footprint and the HPD as follows:

- 57 trees
 - o 34 white spruce (Photo 1)
 - o 6 Alaska paper birch (Photo 2)
 - o 17 balsam poplar (Photo 3)
- 24 shrubs (alnus species (Photo 4)
- 5 dead trees (Photo 5)

Photo 1: Typical white spruce approximately eight inches in diameter at breast height



Photo 2: Typical Alaska paper birch approximately nine inches in diameter at breast height



Photo 3: Typical balsam poplar approximately nine inches in diameter at breast height



Photo 4: Typical alder species shrub thicket

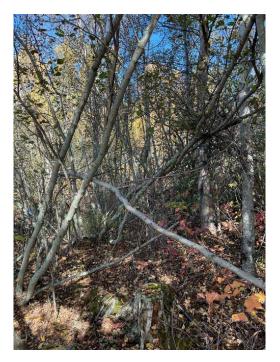


Photo 5: Typical dead tree



Mitigation and General Practices

The project anticipates planting 162 seedlings³ less than 5.5 feet tall within the HPD to comply with KPB Ordinance 21.18.071 (2:1 re-vegetation ratio). Seedlings will be replanted across approximately 4500 square feet to establish root mass and promote a natural visual appearance.

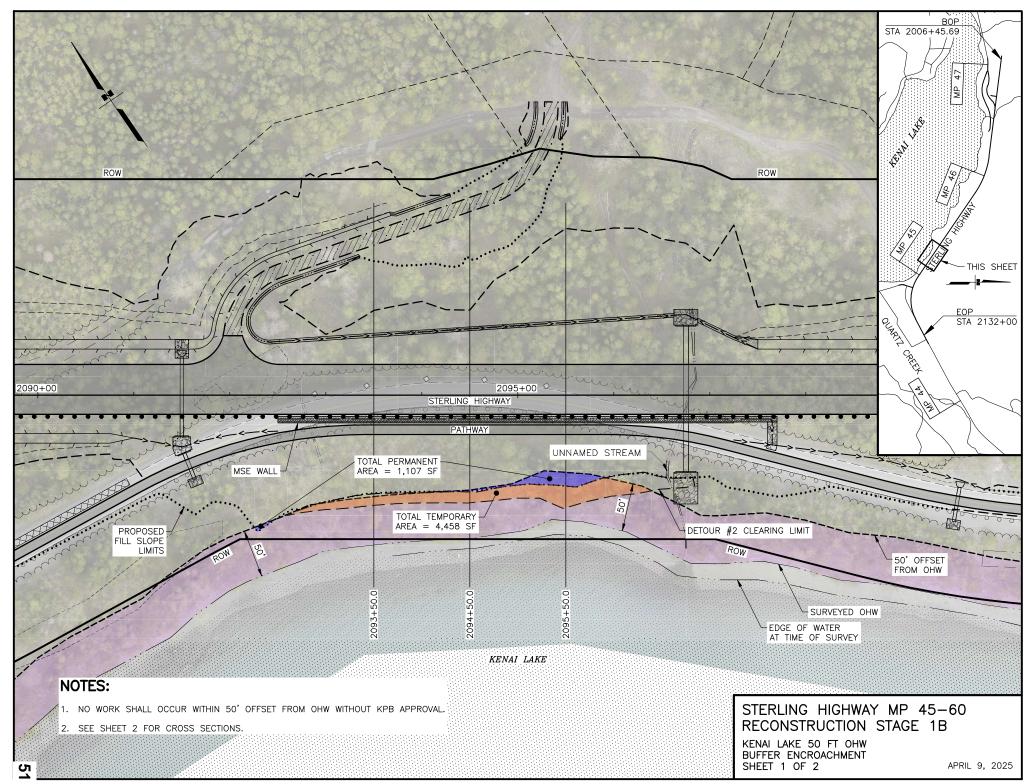
The project will avoid disturbance of the identified unnamed stream near the MSE wall. This stream is not listed in the AWC or in KPB 21.18 Appendix. The stream is approximately 63 feet from the permanent fill area and 20 feet from the temporary fill area.

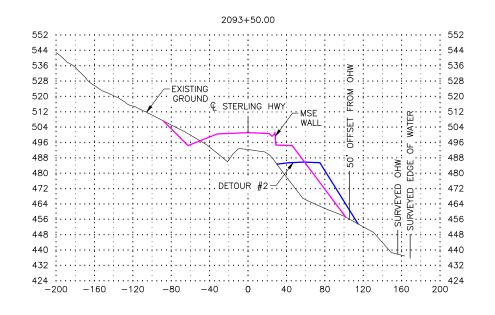
Throughout construction activities, DOT&PF contractors will implement Best Management Practice (BMPs) to minimize impacts on the environment. A summary of all BMPs is provided in Attachment 4. Nearshore vegetation along Kenai Lake will be preserved to the extent practicable. No removed trees will be cabled or anchored to the riverbank.

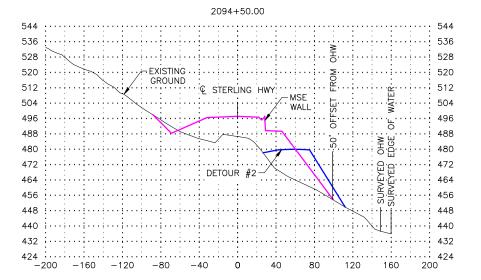
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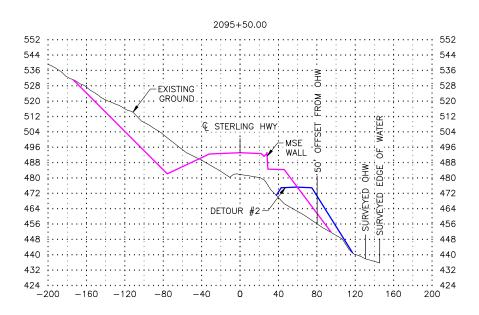
³ "Seedlings" refers to a tree less than 5.5-feet tall and native to the region

Attachment 2: Sterling MP 45-60 1B Project Plan and Profile









STERLING HIGHWAY MP 45-60 RECONSTRUCTION STAGE 1B

KENAI LAKE 50 FT OHW BUFFER ENCROACHMENT SHEET 2 OF 2

APRIL 9, 2025

Attachment 3: KPB Multi-Agency Permit

Multi-Agency Permit Application Kenai Peninsula Borough

River Center

						☐ Check #	
514 Funr	ny River Ro	ad		Phone: (907	714-2460	CREDIT CARDS NOT ACCEPTED	
Soldotna, Alaska 99669				-) 260-5992	FOR APPLN FEES	
KenaiRiv	Center@kp	b.us					
PROPERT	TV OWNER:			AGENT: (if	annlicable)		
Name:	<u>TY OWNER:</u> DOT&PF			Name:	: (if applicable) Holly Hansmeier (DOWL)		
Mailing:			Mailing:				
iviaiiiig.	Anchorage, AK 99516			iviaiiiig.	Anchorage, AK 99503		
007.054.0504		Dhana	907-865-1306				
		Phone:	hhansmeier@dowl.com				
Email: shaun.combs@alaska.gov			Email:	Tillalisificie	<u>@down.com</u>		
	LOCATION	_			DY INFORMA		
KPB Parcel ID: See Supplemental Information			Kenai Lake				
Physical Address:			River Mile:				
Subdivision:			Riverbank:	Left l	Right (looking downstream)		
Lot:	Block:	Addition	n/No.:				
PERMIT I	FEES:	\$50 - Staff Pe	ermit OR	S \$300 - C	Conditional Us	se or Floodway Analysis	
PROJECT	:	New Project	OR	_		nt to RC#	
		ties that apply to			,		
 □ Bank Stabilization □ Boat Launch □ Bridge □ Coir Logs □ Culvert □ ELP Structures □ Equipment Stream Crossing ■ Excavation, Dredging, and/or Fill □ Fence Installation 		☐ Fish & Wildlife Management ☐ Floating Dock ☐ Fuel Storage Green Infrastructure ☐ In-Stream Structures (Weir) ☐ Oil & Gas ☐ On-Site Utilities ☐ Prior-Existing Structure ☐ Revegetation ☐ Root Wads		ture	getation Removal iter Withdrawal ner:		
PROJECT	DESCRIPTI	ON: Provide a d	detailed descriptio	n of your proje	ect, attach add	ditional pages if necessary.	
See Su	ipplement	al Information	(Attachment 1)			
COST-SH	IARE: Is this	project funded b	y the ADFG-USFV	VS Cost-Share	e Program?	Yes No	
KPB TAX	CREDIT PR	OGRAM: KPB pr	ovides a tax credi	t as partial rei	mbursement t	for new habitat protection and	
restoratio	n projects w	vithin 150 feet of	anadromous stre	ams. If you wo	ould like to pr	e-qualify for this credit, please	
provide y	our estimate	ed project cost(s)	below. Do not in	clude grants c	or other fundi	ng assistance:	
Elevated	l Light-Pene	trating Structures	5 \$	Other <i>i</i>	Activities \$ _		
		tion & Protectior			structure \$_		

Fees Received: \$_____

 \square Cash

Owner-Signature (required) Date Agent Signature (if applicable)	Date			
Holly Hansmeier Digitally signed by Holly Hansmeier Date: 2025.10.27 13:13:37-08100				
other applicable federal, state, and local regulations.	ran areary unto			
structed to the standards in KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protectio				
mation in this application is complete and accurate to the best of my knowledge and that my site plans or c tached. If applying for a tax credit, I certify that I have not begun construction of the project and that the pr				
This application is hereby made requesting permit(s) to authorize the work described in this application for				
SIGNATURE & CERTIFICATION:				
SIGNATURE & CERTIFICATION.				
b. How long will equipment be used below OHW or MHW? N/A				
a. Will you be crossing a stream or waterbody?	Yes 🔳 No			
See Supplemental Information				
11. Will you be using motorized equipment for this project? If yes, please list all equipment:	Yes No			
Motorized Equipment:	<u>2</u> y 9			
Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards:				
d. Area to be filled <u>below</u> OHW or MHW:				
Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards:				
c. Area to be filled <u>above</u> OHW or MHW:	Temporary			
b. Is this fill permanent or temporary?	Permanent			
a. Type of material(s): See Supplemental Information for a-d				
10. Will any material (including soils, debris, and/or overburden) be used as fill?	Yes No			
d. Location materials will be deposited:				
Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards:	_			
c. Area to be excavated <u>above</u> OHW or MHW:				
Length: (ft) Width: (ft) Depth: (ft) Total Cubic Yards:				
b. Area to be dredged <u>below</u> OHW or MHW:				
a. Type of material(s): See Supplemental Information for a-d	v===0			
9. Will material be <u>excavated</u> or <u>dredged</u> from the site?	Yes No			
Excavation, Dredging, and Fill:				
c. For new buildings and/or additions, list all project costs (labor, materials, etc.):	\$			
b. Is this project within or adjacent to a coastal high hazard zone?				
a. Is this project within or adjacent to a regulatory floodway?	Yes 🔳 No			
8. Is the property where the project is taking place near or within a regulatory floodplain?	🔲 Yes 🔳 No			
Regulatory Floodplains:				
7. Will anything be placed below OHW or MHW of the waterbody?	Yes 🔳 No			
6. Does any portion of the project cantilever or extend <u>over</u> the MHW of the waterbody?				
5. Does any portion of the project extend <u>below</u> the OHW or MHW of the waterbody?				
4. Is the project located within 50 feet of OHW or MHW a waterbody?	Yes No			
Ordinary High Water (OHW) and Mean High Water (MHW):				
If yes, you must fill out an Alaska State Parks application at: <u>dnr.alaska.gov/parks/permit</u>				
3. Is your project located on land or waters of an Alaska State Park?	Yes No			
2. 13 any portion of the work already complete: If yes, please describe.				
2. Is any portion of the work already complete? If yes, please describe: See Supplemental Information				
1. Start date: 6/1/2026 End date: 8/31/2027 Estimated Days of Construction:	approx. 215			
PROJECT OUESTIONS:				

Attachment 4: Best Management Practices

Best Management Practices Summary (synopsis of Section 10 of the Stormwater Pollution Prevention Plan [SWPPP])

BMPs are described in greater depth in section 10 of the SWPPP.

A copy of the project SWPPP is available at the Cooper Landing Project Office located at: 21919 Sterling Hwy Cooper Landing, AK 99572.

To view or request a copy, please contact Shaun Combs, Project Engineer, DOT&PF (email: Shaun.Combs@alaska.gov, phone number: 907-595-2009).

General Practices:

- Before beginning work on-site, determine current drainage patterns for the project site, areas of concentrated water flow, work areas that will be susceptible to erosion and surface waters that need to be protected
- Strive to first prevent erosion, then minimize erosion and then trap any sediment before it leaves the project site
- Plan for the need for BMPs to be installed as the work progresses and changes.
- Install selected BMPs before beginning work in an area or as is required to reduce pollutants.
- Maintain documentation for BMP installation dates, removal dates, and BMP corrections
- Inspect erosion control measures and any location where a concentrated flow of water leaves the site, fill out the inspection report, evaluate erosion prevention procedures and reevaluate work areas susceptible to erosion and drainage patterns.
- Make changes as necessary, update SWPPP if needed to modify or change any of the control measures, record changes in the amendment log and/or corrective action log.
- Remove temporary structures when no longer needed or after final stabilization.
- Ground disturbance activities should be kept to a minimum to perform the work and to help prevent erosion. All employees will be reminded at safety meetings that no disturbance will be allowed beyond the limits of construction. Preserve existing vegetation as much as possible.

Measures to Protect Wetlands and Streams:

- Control stormwater discharges by diverting storm water around disturbed areas using interception/diversion dikes, if necessary.
- Place velocity dissipation devices (e.g., check dams,) along the length of any conveyance channel to provide a non-erosive flow velocity, if necessary, and before water enters a culvert or before a concentrated flow of water leaves the site.
- Do not discharge water (including runoff) at a rate or location resulting in sedimentation, erosion, hazards within adjacent or nearby properties, road rights-of-way or other disruptions to the bed or banks of water bodies. Use dissipater plates (or similar) to ensure that damage does not occur to the surface during discharge activities.
- Discharge to vegetated uplands at least 100' from water surfaces and allow water to naturally filter back into the drainage channel/stream within its native watershed. Do not discharge of sediment laden water.
- Settle and filter turbid water prior to discharge through means such as a geotextile dewatering bag or settling tank.
- Outlet protection will be installed at the exits of culverts, where required, to prevent erosion.

- Install temporary perimeter controls and sediment barriers, such as fiber rolls, compost sock or silt fence, prior to work in an area to prevent the transport of sediment into any body of water or wetland that does not have at least a 25 foot vegetated buffer between it and the work area. These measures minimize the introduction of suspended solids into flowing water or groundwater.
- Control dust by spraying all disturbed areas, stockpiles and unpaved roads with water and re-applied as necessary to keep dust to a minimum. Use the minimum amount of water to perform dust control and avoid overwatering.
- Stabilize all stockpiles when not in active use by visqueen or plastic sheeting, 4 inch rock mulch, or seeding.
- Keep borrow material that is being hauled to the project site slightly moist or covered to prevent wind transport of dust during hauling.
- Use reduced speeds on un-paved areas.
- Limit material loading during high winds.
- Stabilize all disturbed areas by the end of the next work day after work has stopped in an area.
- Stay within the authorized work area limits when working in wetlands and do not disturb any more of the wetland than is required
- Immediately stabilize banks, shores or beds that are disturbed, excavated, compacted or filled by activities attributable to this project, to prevent erosion and resultant sedimentation of water body(s)
- Adhere to the ADEC, Division of Environmental Health-Drinking Water Program
 Recommendations for General Construction Projects associated with, or near, a Public
 Water System (PWS)
- Do not stage equipment or materials near stream channels.
- Prevent the spill of any hazardous material by keeping the lids on all containers, providing adequate secondary containment and protecting containers from rain and wind.
- Do maintenance and store hazardous materials as far away as possible from any body of water or wetland.
- Do not fuel or service vehicles within 100 feet of a pond, lake, stream, river or other water body.
- Equipment or pump fueling shall be at least 100 feet away wetlands unless the pumps, engines or generators are situated in a catch basin designed to catch spills.
- Do not operate vehicles below the ordinary high water line.
- Do not store or service eequipment within 100 feet of any water body or wetlands. In case of accidental spills, absorbent pads and spill response kits shall be readily available.
- Wash all equipment before bringing it onsite to prevent the spread of invasive species, especially wash equipment before operating near water, wash all hoses, drafts and screens before using in water



ADOT Sterling Highway MP 45

Project Area

KPB Parcel(s):

Project Description:

Placement of fill within the 50 foot HPD to stabilize the road

Vicinity: Cooper Landing



Map created by Aldridge, Morgan Wednesday, October 29, 20

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Project Area
KPB Parcel(s):

Parcel and PLSS

Parcel Ownership Type

Borough

Federal

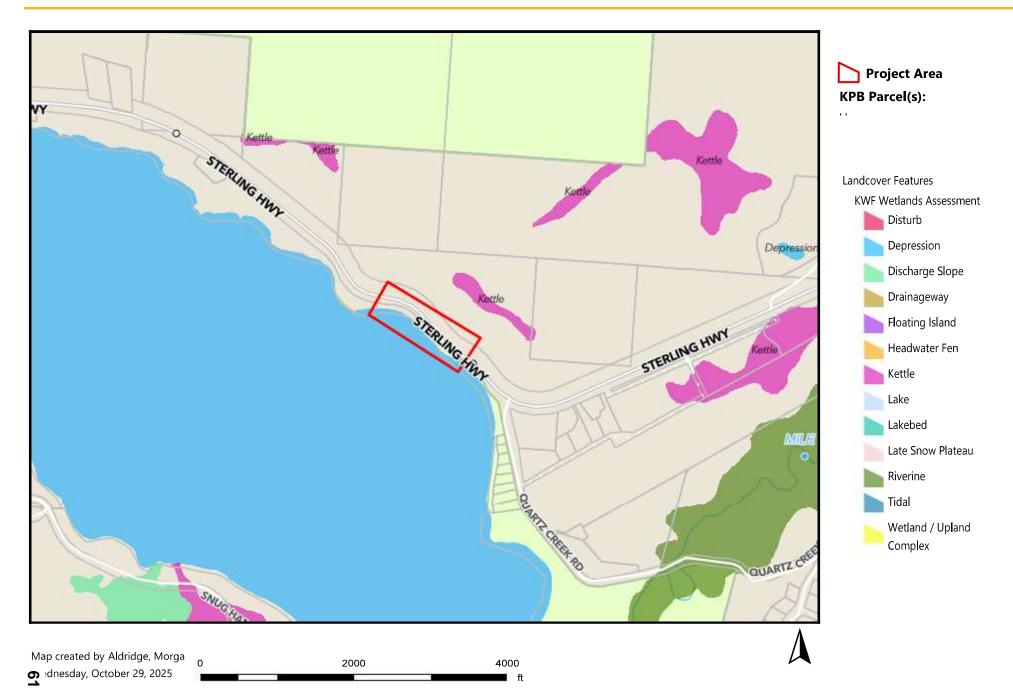
Native

Native Allotment

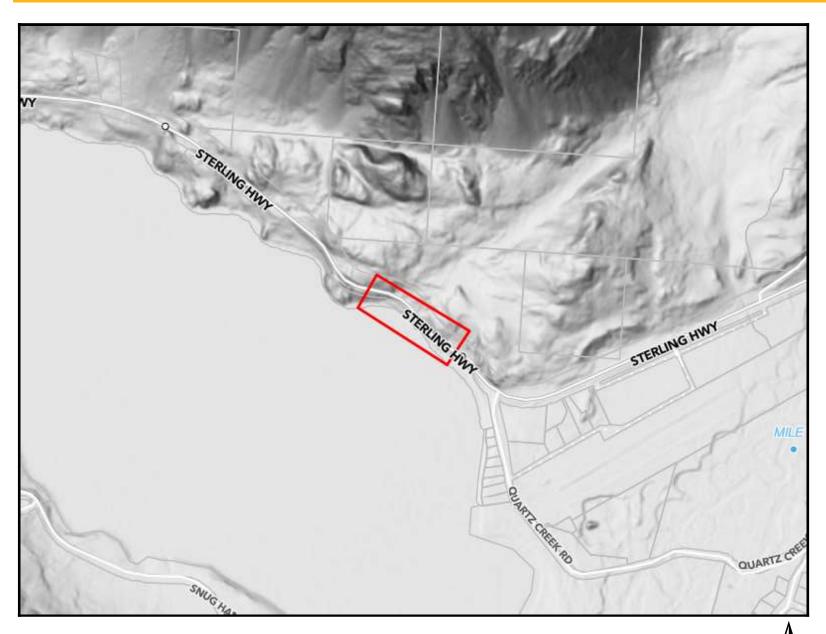
Municipal

Private

State







Project Area
KPB Parcel(s):

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Map created by Aldridge, Morga of the desired states of the second state

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Conditional Use Permit Anadromous Waters Habitat Protection District Staff Report

PC Res No. 2025-32

Planning Commission Meeting: Monday, December 8, 2025

Applicant State of Alaska Department of Transportation

Mailing Address 4111 Aviation Avenue

Anchorage, AK 99516

Legal Description Sterling Highway Right-of-Way MP 45

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the placement of fill within the 50-foot Habitat Protection District of the Kenai Lake, as established in KPB 21.18.040.

Background Information

Conditional Use Permit for ADOT to stabilize the embankment below the Sterling Highway along the Kenai Lake with the placement of fill within the HPD.

Project Details within the 50-foot Habitat Protection District

- 1. Up to 300 cubic yards of topsoil will be removed with some being reused.
- 2. Approximately 5,565 square feet of structural gravel will be used and about 400 cubic yards of topsoil.

Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

- 1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
- 2. Pursuant to KPB 21.18.081(B)(5), construction of transportation and utility infrastructure may be approved as a conditional structure/use within the habitat protection district.
- 3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
- 4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.

- 5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
- 6. Stabilization of the roadway must occur to continue safe travel.
- 7. The embankment will be revegetated at the completion of the project.
- 8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
- 9. Pursuant to KPB 21.18.140 ORD 2025-12, the proposed project meets the definition of water dependent.
- 10. The River Center found the application complete and scheduled a public hearing for Monday, December 8, 2025.
- 11. Agency review was distributed on 11/21/2025. No comments or objections have been received from resource agencies to date.
- 12. Notice of this project was sent to the Cooper Landing Advisory Planning Commission. It was reviewed at their regularly scheduled meeting on December 3, 2025. The APC recommended is included in the desk packet.
- 13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on 11/21/2025. A total of 2 mailings were sent.
- 14. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
- 15. The applicant is currently in compliance with Borough permits and ordinances.

Permit Conditions

- 1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai Lake.
- 2. The placement of fill must be designed and installed to meet KPB floodplain requirements.
- 3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
- 4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
- 5. Storage or use of fuel is prohibited within 50-feet of any open water.
- 6. The River Center shall be notified at least 3 days prior to the start of the project.
- 7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
- 8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
- 9. The construction or installation phase of this Conditional Use Permit must be completed within four calendar years 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 this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date

- and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
- 10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
- 11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
- 12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

General Standards

Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

- 1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1, 3 and Finding 4 appear to support this standard.**
- Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; Conditions 6, 11 and Findings 1-5 appear to support this standard.
- 3. The development of the use or structure shall not physically damage the adjoining property; **Findings 7 and 8 appear to support this standard.**
- 4. The proposed use or structure is water-dependent; **Findings 1 and 9 appear to support this standard.**
- 5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Conditions 11 and 12 Finding 15 appears to support this standard.**

Attachments

Multi-Agency Application Draft Resolution 2025-32

Recommendation

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2025-32.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2025-32

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE PLACEMENT OF FILL WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE KENAI LAKE.

- **WHEREAS,** Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and
- **WHEREAS,** KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and
- **WHEREAS,** KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and
- **WHEREAS,** public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and
- WHEREAS, public notice was posted as provided in Section 01.08.180 (B) (1) (3); and
- **WHEREAS,** public testimony was received at the Monday, December 8, 2025 meeting of the Kenai Peninsula Borough Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

The purpose of the project is to construct the existing highway to current standards to efficiently and safely serve traffic. Up to 300 cubic yards of topsoil will be removed with some being reused. Approximately 5,565 square feet of structural gravel will be used and about 400 cubic yards of topsoil.

Section 2. Findings of fact pursuant to KPB 21.18.081

- 1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
- 2. Pursuant to KPB 21.18.081(B)(5), construction of transportation and utility infrastructure may be approved as a conditional structure/use within the habitat protection district.
- 3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
- 4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
- 5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
- 6. Stabilization of the roadway must occur to continue safe travel.
- 7. The embankment will be revegetated at the completion of the project.
- 8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
- 9. Pursuant to KPB 21.18.140 ORD 2025-12, the proposed project meets the definition of water dependent.
- 10. The River Center found the application complete and scheduled a public hearing for Monday, December 8, 2025.
- 11. Agency review was distributed on 11/21/2025. No comments or objections have been received from resource agencies to date.
- 12. Notice of this project was sent to the Cooper Landing Advisory Planning Commission. It was reviewed at their regularly scheduled meeting on December 5, 2025. The APC recommendation is included in the desk packet.
- 13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on 11/21/2025. A total of 2 mailings were sent.
- 14. Pursuant to KPB 01.08.180 (B) (1) (3), public notice was posted.
- 15. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

- 1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai Lake.
- 2. The placement of fill must be designed and installed to meet KPB floodplain requirements.
- 3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
- 4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.

- 5. Storage or use of fuel is prohibited within 50-feet of any open water.
- 6. The River Center shall be notified at least 3 days prior to the start of the project.
- 7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
- 8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
- 9. The construction or installation phase of this Conditional Use Permit must be completed within four calendar years 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 this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
- 10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
- 11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
- 12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

- The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; Conditions 1, 3 and Finding 4 appear to support this standard.
- Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; Conditions 6, 11 and Findings 1-5 appear to support this standard.
- 3. The development of the use or structure shall not physically damage the adjoining property; **Findings 7 and 8 appear to support this standard.**

- 4. The proposed use or structure is water-dependent; **Findings 1 and 9 appear to support this standard.**
- 5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Conditions 11 and 12 Finding 15 appears to support this standard.**

THIS CONDITIONAL USE PERMIT E	FFECTIVE ON DAY OF, 2025.
ATTEST:	Jeremy Brantley, Chairperson Planning Commission
Ann Shirnberg	

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

2. Conditional Use Permit; PC Resolution 2025 - 32

Applicant: Alaska Department of Transportation

Request: Stabilize the existing Sterling Highway with fill within the

HPD of Kenai Lake

Location: MP 45 of the Sterling Highway Cooper Landing Area / Cooper Landing APC

From: Aldridge, Morgan
To: Aldridge, Morgan

Subject: Cooper Landing APC Dec 3, 2025 meeting **Date:** Friday, December 5, 2025 11:24:30 AM

Cooper Landing APC met at their regularly scheduled meeting and heard the staff report on the ADOT Conditional Use Permit in Cooper Landing, along Kenai Lake.

No minutes have been received from the APC by the deadline to make the PC packet.

From staff:

APC voted unanimously to approve the permit.

APC would like to add a request to the PC that ADOT use "non moose attractant" plantings along the highway.

Morgan Aldridge

Planner Kenai River Center A Division of the Planning Department Office: (907) 714-2460 Direct: (907) 714-2465

PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be considered a public record under the law.

From: <u>David Story</u>

Cc: Tommy Gossard and Virginia Morgan; Cindy Ecklund; ygalbraith@gmail.com; brandonandheather@live.com;

Kathy Recken; officers@cooperlandingcommunityclub.com; Aldridge, Morgan; APC - Chris Degernes; Ruffner,

Robert; pjmillerak@gmail.com; David Nees

Subject: <EXTERNAL-SENDER>20251203 CLAPC Unapproved Minutes

Date: Friday, December 5, 2025 4:40:33 PM

Attachments: 20251203 CLAPC Regular Meeting Minutes UNAPP.pdf

20251008 CLAPC Minutes APPRV.pdf

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hello,

Please find the Unapproved Minutes for the December 3, 2025 CLAPC regular Meeting and the Approved minutes for the October 8, 2025 CLAPC Regular Meeting.

Please note that the CLAPC voted to:

 Recommend approval of the Conditional Use Permit application for authorization for placement of fill and related construction activities within KPB 50-foot Habitat Protection District with the recommendation to request project planners avoid using willow, birch or other species that are particularly attractive to moose for revegetation.

Please let me know if you have any questions or need additional information. Cheers,
David

__

David Story
Cooper Landing Advisory Planning Commission
Secretary

Please direct all electronic communications to:

https://www.kpb.us/planning-dept/planning-commissions/cooper-landing-apc

Please direct all mail to: Kenai Peninsula Borough Planning Department Attn: Cooper Landing APC 144 N Binkley St. Soldotna, AK 99669

COOPER LANDING ADVISORY PLANNING COMMISSION REGULAR MEETING

LOCATION: COMMUNITY HALL AND ZOOM TELECONFERENCE WEDNESDAY, OCTOBER 8, 2025

6:00 PM UNAPPROVED MINUTES

The December 3, 2025 meeting was both physically open to the public at the Cooper Landing Community Hall at 18511 Bean Creek Road, Cooper Landing, AK and available for online or telephone participation.

- 1. CALL TO ORDER
- 2. ROLL CALL
 - a. C. Degernes, Y. Galbraith, K. Recken, D. Nees, D. Story present. P. Miller attending by Zoom. H. Harrison excused.
 - b. Morgan Aldridge, KPB Habitat Planner attending by Zoom.
 - c. Members of the public:
 - i. Nick Vanderhoff, Christine Nees present in person.
 - ii. Janette Cadieux attended by Zoom
- 3. APPROVAL OF AGENDA
 - a. D. Nees moved to approve the agenda as amended.
 - b. Y. Galbrath seconds. All approved by roll call vote.
- 4. APPROVAL OF MINUTES for October 8, 2025 meeting
 - a. Y. Galbraith moved to approve the minutes.
 - b. K. Recken seconds. All approve by roll call vote.
- 5. CORRESPONDENCE none.
- 6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE none.
- 7. REPORT FROM BOROUGH
 - 1. Conditional Use Permit Application
 - a. Sterling Highway MP 45-60 Project Phase 1B:
 - Authorization for placement of fill and related construction activities within KPB 50-foot Habitat Protection District
 - b. Morgan Aldridge, KPB Habitat Planner
 - i. M. Aldridge gave a brief explanation of the permit application process and subsequent staff review to ensure that an application meets the criteria to be heard by the KPB Planning Commission.
 - ii. She also read the general description of project activities from the KPB Staff Report on the application.
 - iii. K. Recken asked about why the road will need stabilization below the new path when the existing road had been stabilized by existing earth prior.
 - 1. M. Aldridge explained the criteria of the application but said she could not speak to the engineering plan.

December 3, 2025

CLAPC Regular Meeting Tentative Agenda

Page 1 of 3

- iv. P. Miller asked about whether we should be doing anything outside assessing this application for whether it is valid and complete. He asked about whether our role for this is legislative or quasi-judicial nature.
 - 1. C. Degernes explained the APC role through the example of plats.
 - 2. D. Story explained the APC role in the context of local recommendations for the Planning Commission and said this example is of the quasi-judicial nature.
- v. D. Nees asked whether the DNR has approved this project since it is the affected landowner.
 - 1. M. Aldridge said that the DNR received the application package for review but that she did not believe they had yet responded.
- vi. C. Degernes said she did not see a species breakdown of trees for revegetation.
 - She said she would like to consider a recommendation to avoid birch and willow as the trees used for revegetation to help limit the attraction to moose and thereby potential road hazards.
 - 2. M. Aldridge said that such a recommendation is appropriate.
- vii. P. Miller said that most of the area covered by this permit has been previously disturbed and revegetation may be an improvement for this area.
- c. Y. Galbraith moved to recommend approval of the permit application with the recommendation to request project planners avoid using willow, birch or other species that are particularly attractive to moose for revegetation. D. Story seconds.
 - i. C. Nees said that many types of vegetation will grow regardless of what is planted.
 - ii. All approve by roll call vote.
- 2. 2026 APC Calendar available on the KPB APC Website
 - a. M. Aldridge noted that the November 2026 meeting will fall on a KPB holiday.
- 8. OLD BUSINESS none.
- 9. NEW BUSINESS none.
- 10. INFORMATION and ANNOUNCEMENTS none.
- 11. COMMISSIONER'S COMMENTS K. Recken said that there is concern about the sloughing on Snug Harbor Road and would like to learn more about DOT's observations. Y. Galbraith said she would reach out to DOT to attend or comment at the next CLCC meeting.

12. ADJOURNMENT – D. Nees moves to adjourn. Y. Galbraith seconds. All approve by roll call vote. 6:33pm

For more information or to submit comments please contact: Contact the Cooper Landing APC at:

- For email visit: https://www.kpb.us/ On the upper right-hand side of the page is a box titled, "Search". Search for, "Cooper Landing APC" and on the homepage expand "Send a message to the Cooper Landing APC Commissioners" tab.
- Send USPS mail to: Kenai Peninsula Borough Planning Department, Attn: CLAPC 144 N Binkley, Soldotna, AK 99669



Donald E. Gilman River Center

A Division of the Planning Department

514 Funny River Road, Soldotna, AK 99669 | (P) 907-714-2460 | (F) 907-260-5992 | www.kpb.us

KENAI PENINSULA BOROUGH RIVER CENTER NOTICE OF PUBLIC HEARING

The Kenai Peninsula Borough received an application for a Conditional Use Permit under KPB 21.18.081 for a project within the 50-foot Habitat Protection District (HPD) of the Kenai Lake. This project has been scheduled for a public hearing before the Kenai Peninsula Borough Planning Commission.

Why are you receiving this notice?

Per code, property owners within 300 feet of the proposed project must receive notice of the public hearing. This project is located at milepost 45 of the Sterling Highway, in Cooper Landing, Alaska. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

To stabilize the existing Sterling Highway, ADOT needs to place fill within the HPD of Kenai Lake.

How can you look at the application?

The meeting packet will be posted the week prior to the meeting. Once it has been posted it can be viewed at https://kpb.legistar.com/Calendar or by scanning this QR code with your phone:



How do you attend the Planning Commission meeting?

When: Monday, December 8, 2025 at 7:30 pm or as soon thereafter as business permits

Where: This meeting will be held in the Betty J. Glick Chambers, George A. Navarre Borough

Administration Building located at 144 North Binkley Street, Soldotna.

Zoom: Meeting ID 907 714 2200

https://us06web.zoom.us/j/9077142200 1-888-788-0099 or 1-877-853-5247

Or other audio or video conferencing means whenever technically feasible

How do I comment on the project?

You can provide verbal comment at the meeting (see information above). You may also submit written comments. **Written comments must be received by 1:00 pm Friday, December 5, 2025.**

Mail comments to:

Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

Email comments to: KenaiRivCenter@kpb.us

For additional information, please contact Morgan Aldridge at MAldridge@kpb.us or 907-714-2465.

E. NEW BUSINESS

3. Conditional Land Use Permit; PC Resolution 2025-33

Applicant: Colaska Inc. DBA QAP

Request: To operate a material site (gravel pit)

Parcel Number: 06304702

Address: 36780 Robinson Loop Road

Sterling Area



A COLAS COMPANY

240 W. 68th Ave. Anchorage, Alaska 99518

October 7, 2025

Kenai Peninsula Borough Planning Department 144 N. Binkley St Soldotna, Alaska 99669

RE:

Sterling Safety Corridor Improvements MP 82.5-94
AKDOT&PF Project No. 0A33026/CFHWY00130
KPB Parcel 06304702 (Robinson Loop Rd) – CLUP & Reclamation Plan

Colaska, Inc. dba QAP is submitting a conditional land use permit (CLUP) application, exhibits, and reclamation plan for KPB parcel 06304702 near Robinson Loop Rd. This supports material extraction and excavation disposal for the Sterling Safety Corridor Improvements project, a federally funded, multi-year progressive design-build initiative by AKDOT.

Although design is ongoing with plans not yet finalized, traffic safety restrictions on this section of Sterling Highway will require construction activities to occur during nighttime hours to avoid peak summer traffic. Current Sterling Highway traffic restrictions prohibit work during key daytime periods from May 1 to September 15 and around holidays, with no allowance for restricting traffic in July.

Consequently, QAP will be required to perform mining, hauling, and disposal operations during nighttime hours for the project's duration to meet AKDOT traffic safety requirements.

For questions, contact me at snewins@colaska.com or (907)250-9433.

Sincerely,

Spencer Newins

Project Manager

Material Site Permit Application Kenai Peninsula Borough

Planning Department

144 N. Binkley Street Soldotna, Alaska 99669 planning@kpb.us

APPLICANT & LANDOWNER:

Phone: (907) 714-2200 Fax: (907) 714-2378

Applicant:	pplicant: Colaska Inc. dba QAP, POC: Spencer Newins (: Spencer Newins	Landowner:	Colaska Inc.		
Phone:	907-522-2211		Phone:	907-273-1000			
Email:	snewins@	snewins@colaska.com		Email:			
Mailing:	240 W 68	th Avenue		Mailing:	6411 A Street		
	Anchorag	e, Alaska 99518			Anchorage, Ala	aska 99518	
PARCEL:							
KPB Parcel	ID(s): 06	304702		Parcel Size:	29.24	acres	
Legal Desc	ription: $\overline{T5}$	N R9W Sec 3	S.M. KN-RS W	1/2 SW1/4 S	SW1/4 & SW1/	4 NW1/4 SW1/4	
	-						
MATERIAL	. SITE PERN	MIT:					
✓ Origina	I ☐ Renev	wal 🗌 Modifica	tion	KPB Material Site Number:			
Permit Typ	e:		Acreage:	Permit Fees:	-		
☐ Regis	tration		0 – 1 acres	None			
☐ Coun	ter Permit		0 – 5 acres	\$250			
✓ Cond	itional Land	l Use Permit	5+ acres	\$1000			
ENDORSE	MENTS:						
☐ Type☐ Type	ENDORSEMENTS: Type I Earth Materials Extraction (excavation disturbing 5+ cumulative acres) Type II Conditioning or Processing (earth materials conditioning or processing) Type III Extraction Within Water Table (excavation within 2 feet of the seasonal high-water table) Type IV Consolidated Material Extraction (quarries of any size) 						

Brief project description. Include plans for phase development, etc. Attach additional pages if necessary. QAP proposes to utilize this site to support multiple ADOT projects beginning in 2026. QAP will extract and sort material at this site. QAP will also utilize this site as an excavation waste disposal location. At the

Approximate annual quantity of material (including overburden) to be mined: up to 100,000 cubic yards

completion of the ADOT projects, all disturbed areas will be reclaimed or stabilized.

Will material site activities take place on the entire parcel? If not, please describe:

KPB 21.29 Conditional Land Use Permit Application Planning Department

Material(s) to be mined: (select all that apply)

Expected life span of the material site:

☑ Gravel ☑ Sand ☑ Peat ☐ Consolidated ☐ Other:

Cumulative acres to be disturbed (excavation, stockpiles, berms, etc.):

PERMIT QUESTIONS:

1.

2.

3.

4.

5.

6.

acres

years

✓ Yes □ No

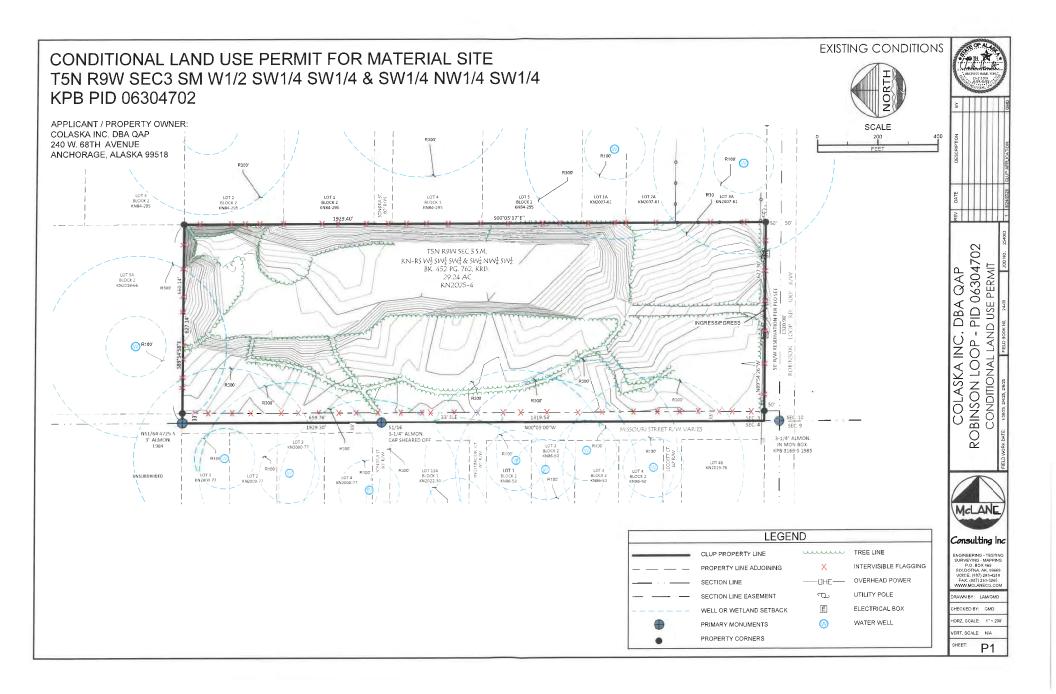
29.24

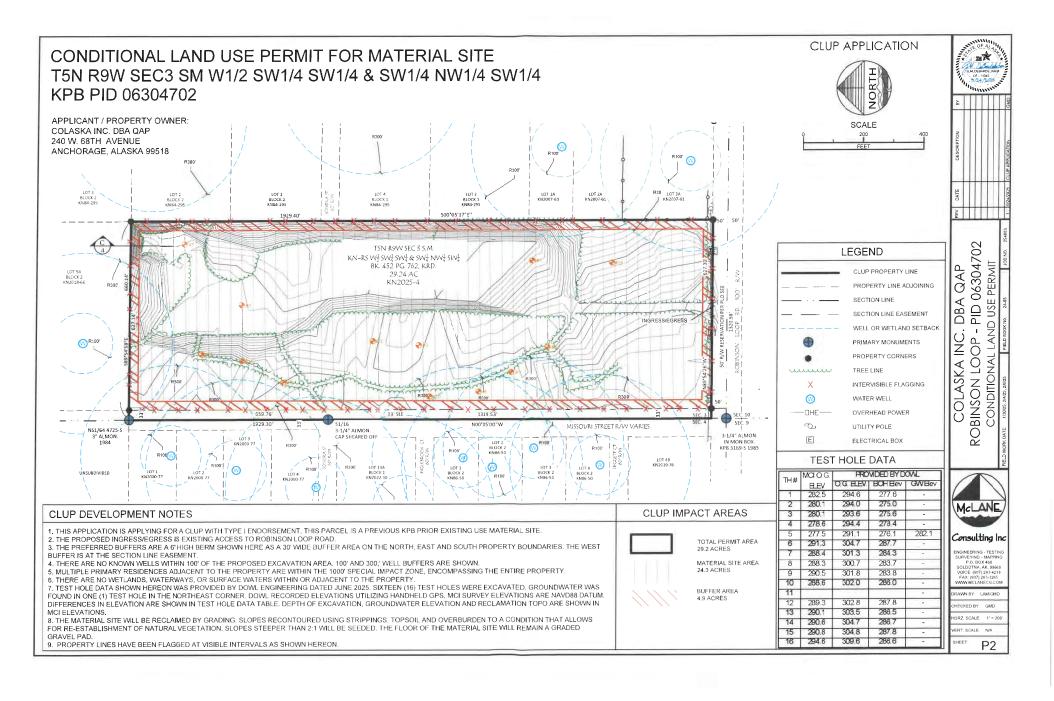
15

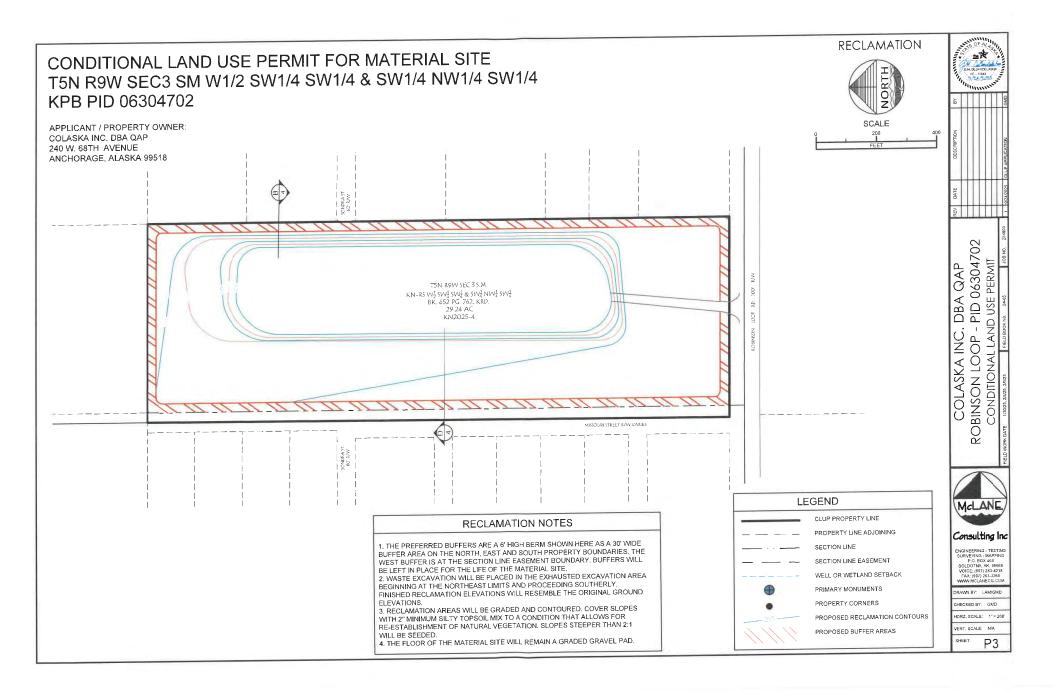
Haul route with ingress and egress: Directly to the Robinson Loop Road	
Buffer plan: (check all that apply)	
☑ Minimum 6-foot earthen berm ☑ N ☑ S ☑ E ☑ W	
☐ Minimum 6-foot, sight-obscured fence ☐ N ☐ S ☐ E ☐ W	
☐ Other Buffer: (describe below) ☐ N ☐ S ☐ E ☐ W	
☐ Waiver Request: (describe below) ☐ N ☐ S ☐ E ☐ W	
Will you implement any noise suppression methods? If yes, please describe:	☐ Yes 🗹 No
Principle residential structures present within the Special Impacts Zone (SIZ):	
a. Within 500 ft? (only applies to Counter Permits)	✓ Yes □ No
b. Within 1000 ft? (only applies to CLUP applications)	✓ Yes ☐ No
Are there any public campgrounds within 1000 feet of the material site activities?	☐ Yes 🗸 No
Depth of excavation: 9' - 20' ft Bottom of excavation elevation 271'	
Groundwater determination and methods:	
a. Groundwater elevation: 269 ft	
b. Determined by: (check all that apply)	
☐ Monitoring well(s)* Total: *CLUPs require 1 monitoring well per	10 acres
✓ Test Hole(s) Total: 16	
Civil Engineer per KPB 21.29.030(A)(7)(a)	
Surface and ground water protection measures: Excavation will not enter the ground	ındwater.
Excavation areas will protected by an earthen berm. All onsite runoff will be direct	
within the material site.	
Type II Endorsement – Processing (skip if not applicable)	
a. Are you requesting a setback exception?	☐ Yes ☐ No
b. Are you requesting an exception to the hours of operation?	☐ Yes ☐ No
c. Are you requesting an exception to the hours of operation?	
d. If yes to any of the above, please justify request:	
Type III Endorsement - Water Table Excavation (skip if not applicable) a. Describe the extent and depth of material extraction below the seasonal-high v	vater table:
- Describe the extent and depart of material extraction sold and sold and material materials	
b. Public Water Systems within ½ mile property line:	
c. Private wells within ½ mile of property line:	
d. Existing regulated potential sources of contamination within ½ mile:	
Voluntary Permit Conditions (skip if not applicable):	

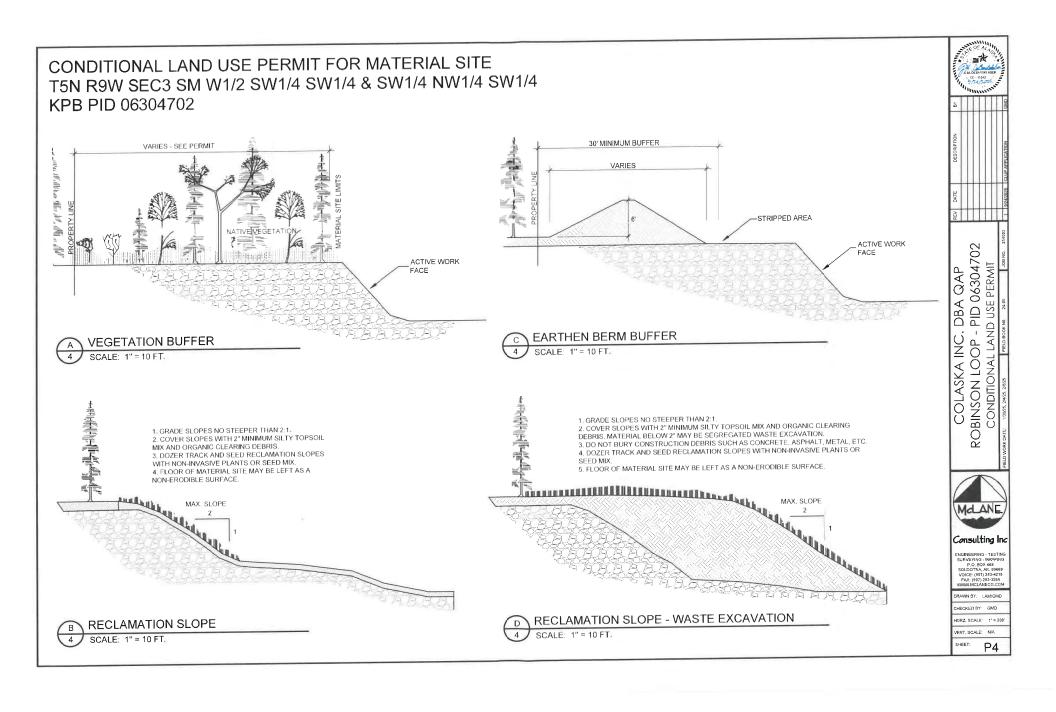
<u>ATT</u>	ACHMENTS			
Requ	ired for originals, modificatio	ns, and renewals:		
✓			lifications for Counter Permits and CLUP' nd bond consistent with KPB 21.29.060.	s.
Requ	ired for originals and modific	ations:		
 ✓ Site Plan/Map. Scaled plan(s) prepared in accordance with KPB 21.29.030(A). ☐ Type III Endorsement Report. Includes all reports required under KPB 21.29.057(A) and (B). ☐ Supporting Documentation for Waiver/Exception Request(s) ☑ Documentation for State and Federal Compliance: ☐ Temporary Water Use Authorization (ADNR) ☑ Mining Permit (ADNR) ☑ Reclamation Plan (ADNR) 				
 Notice of Intent and Storm Water Pollution Prevention Plan (ADEC) Section 404 of the Clean Water Act (USACE) 				
☐ Driveway Permit from KPB or ADOT ☐ Other:				
CERT	IFICATION & OPERATOR STA	TEMENT:		
comp with o below	liance with all state and federa other agencies is a violation of th	l permitting required ne borough permit a contained on this form	21.29.045 have been satisfied, and this r ments. I understand that failure to mair nd is subject to enforcement under KPB in an and the attachments are true and com	ntain compliance 21.50. By signing
9	eff Schock	10/15/25		
Applio	ant/Operator Signature	Date	Landowner Signature*	Date

*Required if applicant is not the landowner

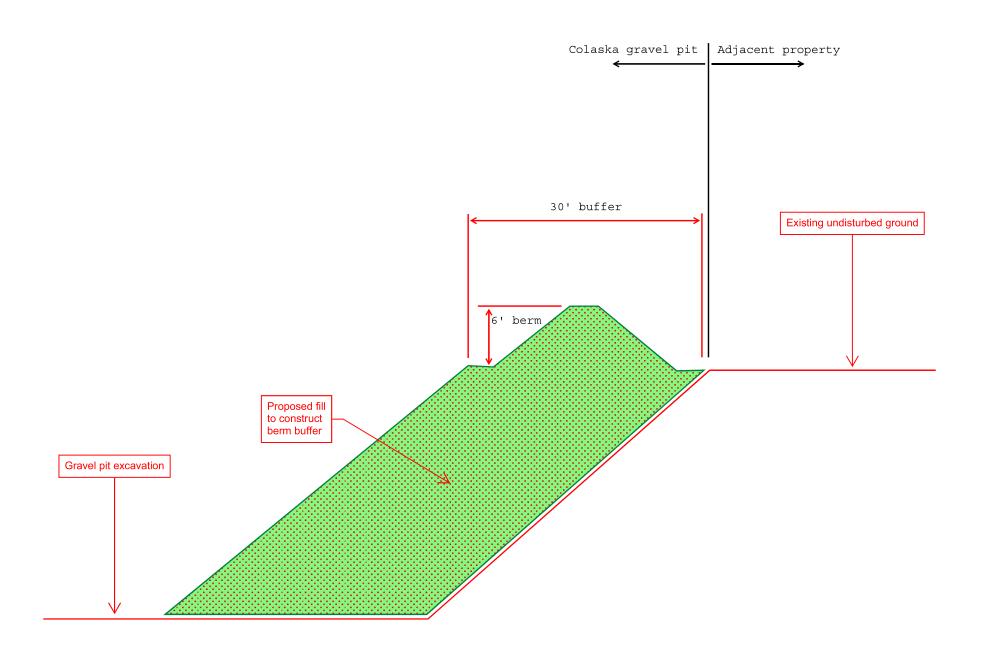








Proposed Berm Buffer Exhibit



MS2025-013 Robinson Loop Rd - Noise Buffer Plan





Northern Regional Land Office 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2740 nro.lands@alaska.gov Southcentral Regional Land Office 550 West 7th Ave, Suite 900C Anchorage, AK 99501-3577 (907) 269-8503 dnr.pic@alaska.gov Southeast Regional Land Office P. O. Box 111020 Juneau, AK 99811-1020 (907) 465-3400 sero@alaska.gov

Statewide TTY - 771 for Alaska Relay or 1-800-770-8973

MATERIAL SITE RECLAMATION PLAN OR LETTER OF INTENT/ANNUAL RECLAMATION STATEMENT AS 27.19.030 – 27.19.050

In accordance with Alaska Statute 27.19, reclamation is required of all mining operations, including sand and gravel extraction. Completion of this form will meet the law's requirements for a reclamation plan (see below for filing requirements; due date: at least 45 days before mining is proposed to begin; requires approval by the Division of Mining, Land and Water). Completion of this form will also serve as a letter of intent for operations exempt from the plan requirement (due date: before mining begins). No approval is required for a letter of intent, but a miner who files a letter of intent must, before December 31, file an annual reclamation statement (Section 8 of this form). Check applicable box:

A. RECLAMATION PLAN (REQUIRED if the
operation will disturb five or more acres this year,
OR 50,000 cubic yards, OR if the operation has a
cumulative disturbed area of five or more acres)
☐ B. RECLAMATION PLAN-VOLUNTARY (for an
operation below the limits shown in Box A but
wanting to qualify for the statewide bonding
pool)
CLAMATION PLAN/LETTER OF INTENT IS FOR CALENE
hecked either hoy a or highove and propose a multi-

Federal or state casefile number (if any) assigned to the site

☐ C. LETTER OF INTENT (less than five acres to be disturbed AND less than 50,000 cubic yards AND less than five acres unreclaimed area) NOTE: A miner who files a letter of intent is also required to file an annual reclamation statement at the end of the year.

DAR YEAR 2026-2031 THIS RE (If you checked either box a or b above and propose a multi-year plan, state all years covered.) 1. MINER INFORMATION (If there is more than one miner, attach a list of the names, addresses, and telephone numbers of all other owners, operators, or leaseholders of the mining operation) Colaska Inc dba QAP POC: Spencer Newins Name of miner who will serve as agent for notice purposes 240 W 68th Avenue Address (notify the department of any later change of address) 99518 907-522-2211 Anchorage AK City State Zip code Telephone Colaska Inc. Name of landowner (if other than miner) or public land management agency

Form 102-4018 (Rev 08/23)

2	LEGAL	DESCRIPTION	OF	DRADASED	MINING	SITE

ΚN	I-RS	W1/2 SW1/4 SW1/4 & SV	W1/4 NW1/4 SW1/4	T5N	9W	Seward	
Leg	al Su	ubdivision/Section/Quarte	er-Section	Township	Range	Meridian	
3. DESCRIPTION OF THE MINING OPERATION (if you checked box a or b on p. 1 of this form and are proposing a m year reclamation plan, attach separate sheets as needed showing acreage to be mined, volume to be mined, and existing acreage of mined area for each year covered by the plan)							
	a.	24.3	Total acreage to be min	ned or disturbed	d during the yea	ar.	
	b.	up to 100,000 CY	Estimated total volume	to be mined o	r disturbed, incl	uding overburden.	
	c.	sand, gravel & peat	Type of material (sand,	gravel, peat, et	tc.).		
	d.	12.2	Existing acreage of min	ed area (disturl	oed area that h	as not yet been reclaimed,	, but
		counting only acreage di	sturbed after October 1	5, 1991).			
4.	DES	SCRIPTION OF THE RECLA a. The total acreage the		ng the year (or	each year, if foi	a multi-year reclamation	plan) is
		b. Provide a list of equi	pment (type and quanti	ty) to be used d	uring the reclar	nation operation.	
		c. A time schedule of r	eclamation measures sh	all be included	as part of the p	an.	
		lowing measures must be res appropriate to your re		gand implemen	ting the reclam	ation plan. Please mark th	ose
	Thi		ed from erosion and con			ted and stockpiled for futuaterials and preserved in a	
	allo		nt of renewable resourc	es on the site w	ithin a reasona	nd topsoil to a condition to ble period of time. It will be al revegetation.	
•		ockpiled topsoil will be spr pected to revegetate the a		area to promot	e natural plant	growth that can reasonabl	ly be
	Stre	eam channel diversions w	vill be relocated to a stab	ole location in th	ne flood plain.		
•		ploration trenches or pits e backfilled surface to inhi				other organics will be spre	ad on
		buildings and structures of mantled, or otherwise pro				itate of Alaska will be remo ration.	oved,
		y roads, airstrips or other nless otherwise authorized				peration shall be reclaime	:d
		at and topsoil mine opera placed on the site upon co			ches of suitable	growing medium is left or	ŕ
		extraction occurs within a at river currents will not b				stable bed and bank profil change.	le such
lan	id ma					f the private landowner or shown above, attach a list	

Page 2 of 5

5.	ALTERNATE POST-MINING LAND USE
	The mining site is public land. The land management agency's land use plan (if any) for post-mining land use is:
	The mining site is public land. As allowed by AS 27.19.030(b), I propose to reclaim it to the following post-mining land use:
	The mining site is private property. The private landowner plans to use it for the following post-mining land use: residential development
6.	ATTACHMENTS
	If the mining operation has additional owners, operators, or leaseholders not shown on p. 1 of this form, attach a list of their names, addresses, and telephone numbers.
	Attach a USGS map at a scale no smaller than 1:63,360 (inch to the mile) showing the general vicinity of the mining operation and the specific property to be mined. Option: If you checked Box C on the first page of this form and the mining site is adjacent to an airport or public highway, state the name of the airport or the name and milepost of the public highway.
	Attach a diagram of the mined area (this term includes the extraction site, stockpile sites, overburden disposal sites, stream diversions, settling ponds, etc.) and the mining operation as a whole (this term includes the roads you plan to build, your power lines, support facilities, etc.). Show and state the number of acres to be mined during the year. (If you checked Box A or B on the first page of this form and your plan covers more than one year, show each year's work.) Show the location corners or property boundaries of the site in relation to the reclamation work and any other areas affected by the operation.
1	Attach a list of the equipment (type and quantity) to be used during the reclamation activity.
	A time schedule of events must be attached that includes dates and activities related to this reclamation plan.
	If the site is private land not owned by the miner, attach a signed, notarized statement from the landowner indicating the landowner's consent to the operation. The landowner may also use the consent statement to notify the department that the landowner plans a post-mining land use incompatible with natural revegetation and therefore believes that reclamation to the standard of AS 27.19.020 is not feasible.
	For those miners that are required to file an annual reclamation statement, attach photographs and/or videotapes dated and described as to location of the reclamation activity that was completed.
	If you propose to use reclamation measures other than those listed on this form, or if the private landowner or public land manager of the site requires you to use stricter reclamation measures, attach a list of those measures.

7.	RECLAMATI	ON BONDING (R	EQUIRED ONLY IF YOU CHECKED BOX A or B	ON THE FIRST PAGE OF THIS FORM)
Th	e total acrea	ge of my mining o	peration that is subject to the bonding requi	rement for the current year is
	24.3	acres (add acre	eages stated in Section 3(a) and 3(d) of this f	orm).
Th	e per-acre bo	nd amount is \$75	0/acre or a total bond amount of \$ 18,225	
PΙε	ease check the	e appropriate boi	nding method that you will apply toward this	reclamation plan:
	Participatio	n in the statewide	e bonding pool.	
	Posting a co	rporate surety be	ond.	
	Posting a pe	ersonal bond acco	ompanied by a letter of credit, certificate of c	leposit, or a deposit of cash or gold.
	_	as allowed by a co	uarantee with another government agency to perative management agreement between	
	Posting a ge	eneral performan	ce bond with a state agency that meets the r	requirements of 11 AAC 97.400(4).
— Th	e above recla	mation plan/letto	er of intent and all attachments are correct a	nd complete to the best of my knowledge.
J	leff S	chock	Digitally signed by Jeff Schock Date: 2025.10.14 19:20:04 -08'00'	
Sig	nature of Mi	ner		Date

AS 27.19.030 and AS 27.19.050 require a miner either to file a reclamation plan for approval or to file a letter of intent followed by an annual reclamation statement. AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original. In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division.

f	ANNUAL RECLAMATION STATEMENT—REQUIRED IF YOU FILED A LETTER OF INTENT (CHECKED BOX C ON THE FIRST PAGE) FOR THIS OPERATION. DUE DATE: DECEMBER 31, 2026 . YOU MUST FILE EVEN IF THE MINING DESCRIBED IN YOUR LETTER OF INTENT DID NOT TAKE PLACE.						
This	annual reclamation statement is for: (year)						
â	a Total acreage mined.						
k	o Total volume mined or disturbed, including	overburden.					
c	cTotal acreage reclaimed.						
c	dCumulative total of unreclaimed acreage.						
ε	e. Reclamation measures that were used (check appropriate measures from Section 4, DESCRIPTION OF THE RECLAMATION OPERATION, and attach list of additional or stricter measures if applicable).						
The a	above annual reclamation statement and all attachments are correct and	complete to the best of my knowledge.					
 Signa	iture of Miner	Date					

AS 27.19.030 and AS 27.19.050 require a miner either to file a reclamation plan for approval or to file a letter of intent followed by an annual reclamation statement. AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original. In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division.

Non-refundable filing fee for reclamation plan: See current Director's Fee Order for applicable fees.

For Department Use Only Application received date stamp

Receipt Type: 17

SOA DNR Material Site Reclamation Plan

Supplemental information for: T5N R9W Section 3 Seward Meridian W1/2 SW1/4 & SW1/4 NW1/4 SW1/4 KPB Parcel ID 06304702

Equipment to be used for reclamation. Front end loader, mid-sized dozer, and hydro seeder.

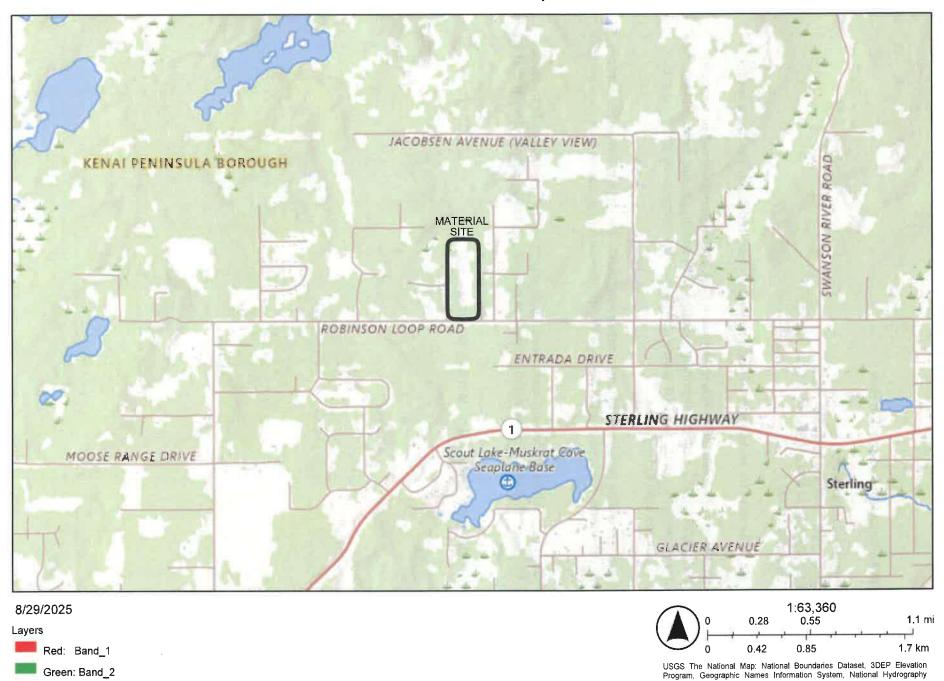
Time schedule of events related to this reclamation plan. This material site will be primarily utilized for ADOT highway projects beginning in Spring 2026 and proceeding for approximately 4 years. At the completion of these ADOT projects, the site will be temporarily stabilized and partially reclaimed until further use.

The material site will be reclaimed utilizing waste excavation to backfill the exhausted portions of the excavation site. Reclamation will begin at the northern-east excavation limits and proceed southerly.

Reclamation areas will be graded and contoured. Cover slopes with 2" minimum of silty topsoil mix to a condition that allows for re-establishment of natural vegetation. Slopes steeper that 2:1 will be seeded.

The floor of the material site will remain a graded gravel pad.

36780 Robinson Loop Road



Blue: Band_3

viewKPB

36780 Robinson Loop Road





Legend

Transportation

Mileposts

Parcels and PLSS

Tax Parcels



NOTE: Every reasonable effort has been made to ensure the accurate

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER

[] Northern Region 3700 Airport Way Fairbanks, AK 99709 (907) 451-2705 Southcentral Region
 550 W 7th Avenue, Ste 900
 Anchorage, AK 99501-3577
 (907) 269-8552

[] Southeast Region P.O. Box 111020 400 Willoughby, #400 Juneau, AK 99801 (907) 465-3400

LAND USE PERFORMANCE GUARANTY (CORPORATE SURETY)

Contract, Permit, or Lease – State File # Parcel ID 06304702 Surety Bond No. 015229854

	w all people by these presents, that the undersigned OAP OAP a Corporation / partnership / sole proprietor / LLC /
State	Venture - circle one), organized and existing under the laws of the State of Alaska, as Principal, and Liberty Mutual Insurance Company organized and existing under the laws of the State of Alaska, as Surety, are held and firmly bound unto the of Alaska, Department of Natural Resources, in the sum of Eighteen Thousand Two Hundred Twenty Five & 00/100 DOLLARS,
THE	OBLIGATIONS of this bond are as follows: The Principal is by written agreement entering into a contract, permit, or lease with the State of Alaska ("the State") involving State land, which agreement is identified as(State file # and agreement type), hereinafter "the agreement," and is, by reference, incorporated fully herein in all its terms and made a part of this bond.
2.	In accordance with State regulations at 11 AAC 96.060, the Alaska Department of Natural Resources ("the department") has determined that the Principal is required to furnish the State of Alaska a corporate surety bond, acceptable to the department and conditioned upon compliance with all terms of the agreement.
3.	The Principal has chosen to post this corporate surety bond with the department as a guarantee that the obligations, terms, and conditions of the agreement will be completed as required by the Alaska Land Act, AS 38.05, and attendant regulations at 11 AAC 96.
4.	The coverage of this bond extends to the Principal's obligations under the agreement and under applicable laws and regulations, to assure that all of the activities on and uses of the land subject to the agreement are conducted by the Principal in compliance with the obligations, terms, and conditions of the agreement.
5.	Upon a determination by the State that the Principal has satisfactorily complied with the obligations, terms and conditions of the agreement pertaining to activities on and uses of the land, and the applicable laws and regulations, then the obligations of this bond shall be released; otherwise, this bond shall remain in full force and effect until released in writing by the State.
6.	 The Principal and Surety agree that: (a) unless the Principal has replaced this bond with other guaranty acceptable to the department conditioned upon compliance with all terms of the agreement, coverage under this bond shall extend to and include any extension(s) in time of the agreement, such coverage to continue irrespective of the expiration of the obligations, terms, and conditions originally set forth in the agreement; the Surety shall not cancel this bond unless released in writing by the State; (b) notwithstanding any modifications of the agreement approved by the department, this bond remains in full force and the Surety waives, as a defense against the State, any right to notice of any such modifications; (c) The department shall review this bond from time to time and may require an adjustment in the amount of the bond. No increase in bond amount shall bind the surety without the surety's written consent; (d) the neglect or forbearance of the State in enforcing against the Principal performance by the Principal of any obligation, term, or condition of the agreement shall not in any way release the Principal or Surety from liability under this bond; (e) whenever the Principal shall be, and is declared by the State to be, in default under the obligations, terms, and conditions of the agreement, the State shall notify the Principal and Surety. Upon receipt of a notice of the Principal's default from the State and demand by the State for performance or payment, the Surety shall promptly pay the face value of this bond to the State, or in lieu of paying the face amount, the director may approve the Surety's remedy of the default by the Surety fully completing the performance of the Principal's obligations under the agreement. The Surety's completion of the performance of the Principal's obligations under the agreement does not relieve the Principal of its obligations under the agreement;

Page 1 of 2

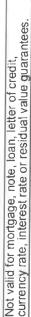
- (f) the Principal or the Surety must promptly notify the department and the principal of any action filed alleging the insolvency or bankruptcy of the Surety or the Principal or alleging any violations which could result in suspension or revocation of the surety's right to do business in the State of Alaska; and
- (g) upon the incapacity of the Surety by reason of bankruptcy, insolvency, or suspension or revocation of its license, the Principal shall be deemed to be without bond coverage in violation of 11 AAC 96.060 and AS 38.05 and subject to enforcement actions described therein.

[Copy, fill-out, and attach the below if more signatures are necessary]

	PRINCIP	<u>AL</u>	
	3th day of	October	, 20 25
BY: Tean Perter		General W	Lanagethilling
(Print	name)	(T	itle HIRMAP
240 W. 68th Avenue, Ancho			KPORIX #
B X	(Address of Pr	ипсіраі)	
By: (Signature of O) icer/owner/p	armers/members/managing	member)	_Sseat
(Signature of Officerronnerry	ar the tribute of the	, i	*
	ACKNOWLEDGEMEN	T OF PRINCPAL	SEAL SEED ALASED AT
	ACKNOWLEDGEMEN	TOFFRINCIAL	OF COLAMINI
The foregoing instrument was ack	nowledged before me by	1211	O ctalogy of
Toddownster.	this	13th day of	October 20 25
Marigal Orp	2 (18/2)	000	
Witness me hand and official sea	(Signal	ture of Notary Public)	
ES CARY		My Commis	sion Expires: 03/29/2-
E II Seal			
PUBLIC	₹		
	SURET SURET	<u>Y</u>	
Liberty Mutual Insurance Company	h day of O	ctober	, 20 25
Signed and excessor with the BY: Connor Wolpert	uay 01	Attorney-in-Fact	
(Print	name)	T)	itle)
175 Berkeley Stree	Boston, MA 02116	3	
	(Address of S	surety)	JAL INSU
By: (Signature of O	fficer)		(Seal) (\$\frac{5}{2}(\frac{5}{2}) 1912
	,		Ed Cachos
	ACKNOWLEDGEME	NT OF SURETY	0,7
The foregoing instrument was ack	nowledged before me by	9th day of(October 20 25
Glenn Ryan Custodio Ta (Name of Individuo	pawan this	day of _C	<u> </u>
Witness my hand and official sea	(Let)	0/2	
YAN CUSTODIO TAPAWAN	(Signal	ture Notary Public) Glen	n Ryan Custodio Tapawan
RY PUBLIC #192680		My Commis	ssion Expires: September 30, 202
E OF CONNECTICUT			
AMISSION EXPIRES SEPT. 30, 2029			
APPROV	AL AND ACCEPTANCE	BY THE STATE OF A	LASKA
761 1450	DEPARTMENT OF NATI	URAL RESOURCES	
Ву:			
Signature of A	thorized State Representativ	e Title	Date
			State File #Parcel Bond No. <u>0152298</u>
			23110 1101 12 12 12 12 12

Page 2 of 2

102-1174 (Rev. 9/05)





POWER OF ATTORNEY

Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company

Certificate No: 8214122-985949

Libery Mutual insurance Company is a corporation only Against and appoint, pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Danielle M. Bechard: Jonathan Gleason; Jennifer Godere; Richard Hackner; Chad Warren Johnson; Michelle Anne McMahon; Nicholas Miller; Doritza Mojica; Sarah Murtha; Kathryn Pryor; Robyn Salley; Joshua Sanford; Gentry Stewart; Kyle Williams; Connor Wolpert	
Kutin (n 11)dit, Koojii 2000 (1 Coosia Cumo Ki	
all of the city of Hartford state of CT each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.	
IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 30th day of May	
Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company West American Insurance Company 1912	
State of PENNSYLVANIA County of MONTGOMERY ss	luines,
On this 30th day of May, 2025 before me personally appeared Nathan J. Zangerle, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casually Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes herein contained by signing on behalf of the corporations by himself as a duly authorized officer.	cation inc
N WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.	e de la companya de l
Commonwealth of Pennsylvania - Notary Seal Teresa Pastella, Notary Public Montgomery County My commission expires March 28, 2029 Commussion number 1128044 Member Pennsylvania Association of Notaries By: Turas Pastella Teresa Pastella, Notary Public	Atomey (POA) v
his Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance company which resolutions are now in full force and effect reading as follows:	ower of 2-8240
State of PENNSYLVANIA County of MONTGOMERY So This 30th day of Muy 2025 before me personally appeared Nathan J. Zangerle, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes herein contained by signing on behalf of the corporations by himself as a duly authorized officer. N WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written. Commonwealth of Pennsylvania - Notary Seal Tenesa Pastella, Notary Public Montgomery County My commission number 1128044 Wentbern Pennsylvania - Notary Seal Tenesa Pastella, Notary Public Notary No	For bond and/or P. please call 610-83
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.	
ertificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Nathan J. Zangerle, Assistant Secretary to appoint such	

other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of altomey issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this ____9th_ day of







Renee C. Llewellyn, Assistant Secretary

LMS-12873 LMIC OCIC WAIC Multi Co 02/24



LIBERTY MUTUAL INSURANCE COMPANY

FINANCIAL STATEMENT - DECEMBER 31, 2024

Assets	Liabilities
Cash and Bank Deposits\$4,608,826,756.00	Unearned Premiums \$9,890,896,878.00
*Bonds – U.S Government\$4,281,375,446.74	Reserve for Claims and Claims Expense \$29,467,071,865.00
*Other Bonds\$21,566,489,527.26	Funds Held Under Reinsurance Treaties \$341,948,172.00
*Stocks\$15,589,644,012.00	Reserve for Dividends to Policyholders \$954,025.00
Real Estate\$86,497,925.00	Additional Statutory Reserve\$150,547,865.00
Agents' Balances or Uncollected Premiums\$7,512,975,129.00	Reserve for Commissions, Taxes and Other Liabilities
Accrued Interest and Rents\$225,249,712.00	Total\$47,104,416,171.00
Other Admitted Assets\$19,367,663,200.00	Special Surplus Funds
Total Admitted Assets\$74,539,483,661.00	Capital Stock\$10,000,075.00
	Paid in Surplus
	Unassigned Surplus \$13,415,980,561.00
	Surplus to Policyholders \$27,435,067,490.00
	Total Liabilities and Surplus \$74,539,483,661.00

^{*} Bonds are stated at amortized or investment value; Stocks at Association Market Values.

The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the Massachusetts Department of Insurance.

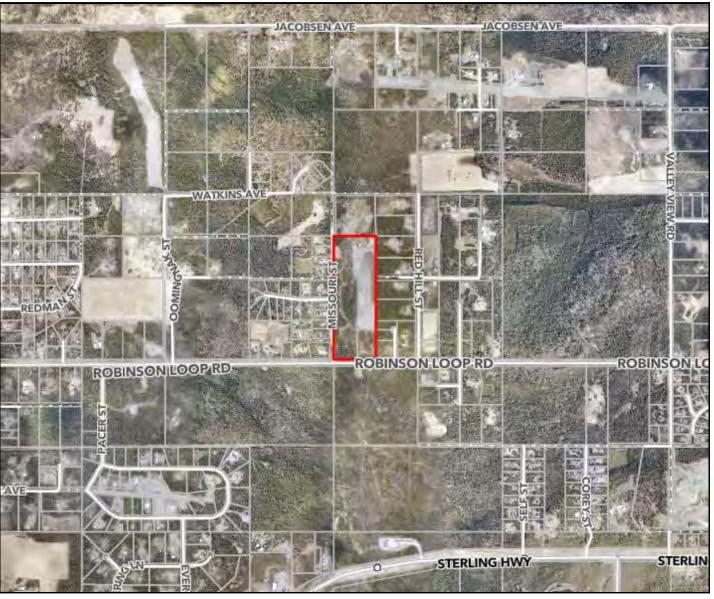
I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2024, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 8th day of March, 2025.



Timothy A. Mikolajewski, Assistant Secretary

LMS-1262/LMIC



MS2025-013, QAP Material Site

Project Area

KPB Parcel(s):

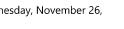
06304702

Project Description:

Vicinity: Sterling

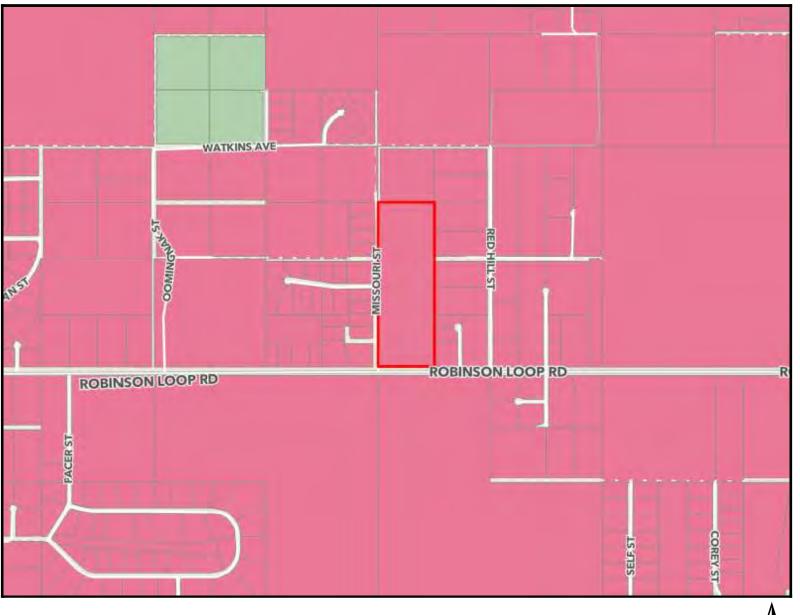


Map created by Raidmae, Ryan Wednesday, November 26,



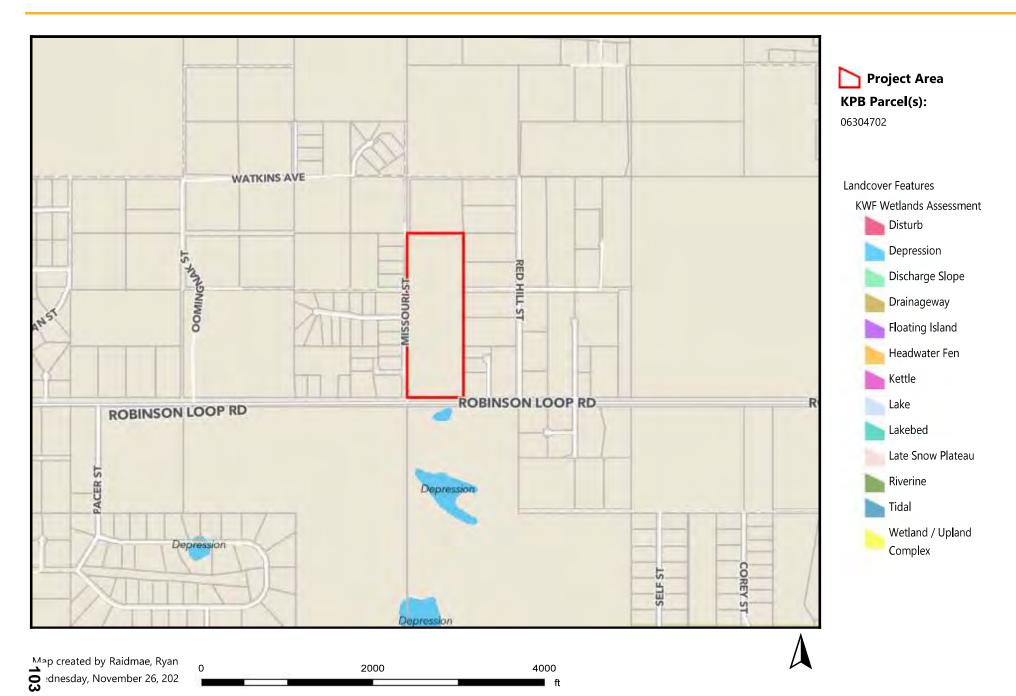
Material Site

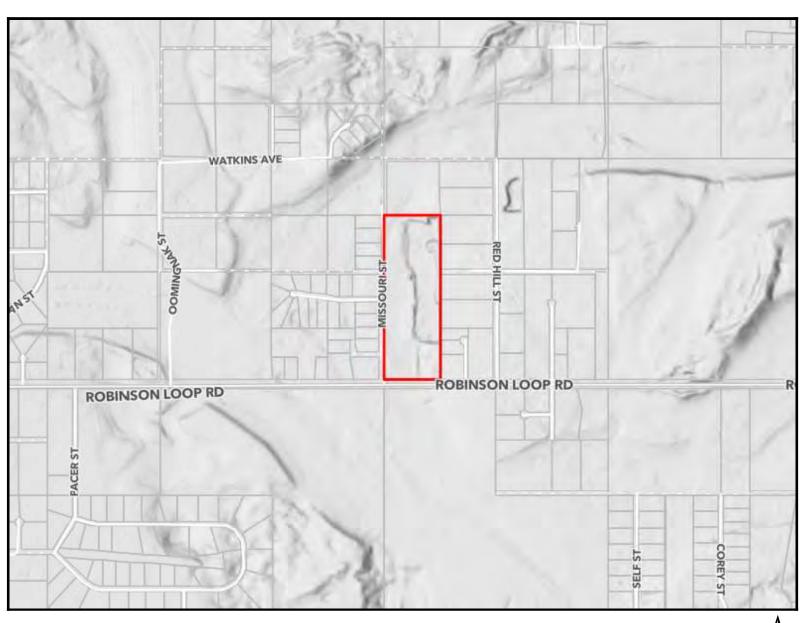




Project Area
KPB Parcel(s):
06304702







Project Area
KPB Parcel(s):
06304702

Map created by Raidmae, Ryan classifier description in the control of the control





MS2025-013, QAP **Material Site**



Conditional Land Use Counter Permit Prior Existing Use Local Option Zones

Material Site Conditional Land Use Permit Staff Report

PC Res No. 2025-33

Planning Commission Meeting:Monday, December 8, 2025ApplicantCOLASKA INC DBA QAP

Mailing Address 240 W. 68th Ave

Anchorage, AK 99518

Legal Description T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2

SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4

Physical Address 36780 ROBINSON LOOP RD

KPB Parcel Number 06304702

Background

This property was registered as a prior existing use (PEU) material site in 1998. A PEU registration was given to material sites that were in place prior to the Kenai Peninsula Borough (KPB) enacting code in 1996 that began governing material site activities.

In 2023, the KPB Assembly enacted Ordinance 2022-36 SUB, which amended the material site code and took effect on October 1, 2024. Part of this ordinance stated that if a PEU ceased operations for an uninterrupted period of five years, the site must then obtain a permit to operate as a material site. The Planning Department reviewed site activity and evidence from October 1, 2019, through October 1, 2024, and determined that the PEU should be discontinued due to there being no material site activity in that timeframe.

Project Description

Because this site is no longer considered a PEU, the applicant is requesting a Conditional Land Use Permit (CLUP) for material extraction on the above parcel, and is seeking a Type I Endorsement for excavation over 5 acres.

The applicant proposes to utilize this site for the Alaska Department of Transportation & Public Facilities (DOT&PF), Sterling Safety Corridor Improvements (SSCI) project, beginning in Spring 2026 and proceeding for approximately 4 years. The applicant will not be seeking a Type II Endorsement for processing at this location due to its proximity to residential properties.

The subject property is bordered on the north and east sides by privately owned parcels. To the south, is the 100-foot Right-of-Way of Robinson Loop Rd, which is owned and operated by the DOT&PF. To the west is the 66-foot Right-of-Way of Missouri Street, which is also a Section Line

Easement (SLE). Missouri Street is owned and operated by the Kenai Peninsula Borough. The site plan and application propose the following buffers:

North: 6-foot earthen berm South: 50-foot vegetated buffer

East: 6-foot earthen berm and a 50-foot vegetated buffer West: 6-foot earthen berm (to be placed outside the SLE)

The existing driveway to the site is located at the southern end of the parcel, and the material haul route will be directly to Robinson Loop Road.

The applicant is seeking a project-based based waiver via KPB 21.29.050(A)(5)(a) to operate outside the prescribed hours of operation, which usually restricts material site operations between 6:00 am and 9:00 pm. To avoid peak summer traffic and to meet DOT&PF's safety requirements, DOT&PF is requiring that the applicant perform its hauling and disposal operations during nighttime hours for the duration of the SSCI project.

The project-based waiver is only valid for up to six (6) consecutive months, and the SSCI project will need to operate outside that window. If the CLUP is approved, the applicant plans to submit a variance application to operate the material site outside prescribed hours of operation beyond the six (6) consecutive months each season. If the Planning Commission approves the CLUP, the variance application will be presented to the Planning Commission at a subsequent meeting.

The site plan, completed by McLane Consulting Inc., states that DOWL Engineering excavated 16 test holes in June of 2025, and groundwater was found at one test hole in the northeast corner of the property. The application states that the proposed depth of excavation will be between 9 and 20 feet below current grade, and will maintain a two-foot vertical separation above the water table. The operator will also install and maintain three (3) monitoring wells, with one (1) well installed per 10 acres of area excavated. There are no wetlands or surface waters within or adjacent to the property boundaries, and any onsite runoff will be directed and contained within the material site. According to the site plan, there are no water wells within 100 feet of the subject property.

The material site will be reclaimed by using unsuitable materials to backfill the exhausted portions of the excavation site, beginning in the northeastern area, proceeding southerly. All slopes will be graded and contoured, and covered with at least 2 inches of topsoil to allow for re-establishment of natural vegetation. The floor of the material site will remain a graded gravel pad. The applicant has provided proof of the site's reclamation bond in the amount of \$18,225. At the completion of the SSCI project, the site will be temporarily stabilized and partially

reclaimed until further use.

The applicant estimates a life span of 15 years for the site and an annual extraction quantity of approximately 100,000 cubic yards of material.

Public Notice

Public notice was mailed on November 19, 2025 to the 76 landowners within 1000 feet of the subject parcel, and was posted in accordance with KPB 21.25.060.

Staff Recommendation

After review of the application and submitted materials, it appears that the four standards contained in KPB 21.29.040 will be met by imposition of the relevant conditions in KPB Chapter 21.29, and staff recommends approval subject to those conditions. Staff has included proposed findings of fact in the draft resolution for the Planning Commission's consideration.

Whether the Planning Commission decides to approve or deny the application, staff recommends the Planning Commission include findings of fact based upon the record to support its decision.

Attachments

- 1. Application
- 2. Maps
- 3. Staff Report
- 4. Resolution
- 5. Public Hearing Notice
- 6. Notification List
- 7. Public Comment

NOTE: Any party of record, as defined by KPB 21.20.210, with standing to appeal, as set forth in KPB 21.20.225, may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2025-33 KENAI RECORDING DISTRICT

A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site under a Type I Endorsement for the parcel described as T 5N R 9W SEC 3
SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4, Kenai Recording District, Third Judicial District, State of Alaska.

WHEREAS,	KPB 21.25 allows for land in the rural district to be used as a sand, gravel, or material site once a permit has been obtained from the Kenai Peninsula Borough; and
WHEREAS,	KPB 21.29 provides that a conditional land use permit (CLUP) is required for material extraction which includes a Type I Endorsement– for material extraction over 5 acres; and
WHEREAS,	on October 15, 2025, QAP submitted to the Borough Planning Department a CLUP application on KPB Parcel 06304702, which is located within the rural district; and
WHEREAS,	public notice of the application was mailed on November 19, 2025, to the 76 landowners or leaseholders within 1000 feet of the subject parcel pursuant to KPB 21.25.060; and
WHEREAS,	public notice of the project was posted in accordance with KPB 21.25.060; and
WHEREAS,	a public hearing was held at the Monday, December 8, 2025, meeting of the Kenai

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Peninsula Borough Planning Commission;

Section 1. That the land use and operations are described and shall be conducted on KPB Parcel Number(s) 06304702, T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4. The total area to be disturbed under this activity is approximately 24.3 acres.

Section 2. Findings of Fact:

- 1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a CLUP has been obtained from the Kenai Peninsula Borough.
- 2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
- 3. KPB 21.29 provides that a CLUP is required for material extraction that disturbs more than 5 cumulative acres, processes material, or extracts below the water table.
- 4. KPB 21.29.005 states that the purpose of KPB 21.29 is to provide a land use permitting process to regulate the operation, scope, and duration of earth materials extraction and processing within the borough while promoting the public health, safety, and general welfare of the KPB, including the health of aquatic systems that support salmon. It is the further purpose of KPB 21.29 to promote compatible, orderly development.
- 5. A public hearing of the Planning Commission was held on Monday, December 8, 2025, and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060, KPB 21.11, and KPB 1.08.180(B).

PC Resolution 2025-33 Page **1** of **6**

- 6. The 2019 KPB Comprehensive Plan outlined the need to update KPB 21.29 to address reoccurring land use conflicts for gravel extraction. A rewrite of KPB 21.29 was adopted by the KPB Assembly in October 2023.
- 7. Goal 2 of the 2019 KPB Comprehensive Plan sets out the objective to proactively manage growth to provide economic development opportunities on the KPB while preserving what residents and visitors value about the area's natural features. It further sets out objectives that KPB should establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms.
- 8. The proposed cumulative disturbed area within the parcel is approximately 24.3 acres.
- 9. The permittee has provided a reclamation plan that is consistent with KPB 21.29.
- 10. The application indicates that groundwater is 22 feet below existing grade, and the lowest depth of excavation is 20 feet below the existing grade.
- 11. The site plan indicates that there are 11 wells located within 300 feet of the proposed excavation area, and no wells within 100 feet of the proposed excavation area.
- 12. Additional street-level visual screening, noise mitigation, and/or lighting restrictions are necessary and appropriate for the surrounding area. The permittee may utilize the existing forested buffer on a portion of the eastern parcel boundary to provide additional mitigation. The permittee will fill previously-excavated buffer areas to match the unexcavated elevation, and then will construct a 6-foot-tall earthen berm to provide adequate buffers to the neighboring properties.
- 13. The permittee will be installing a 6-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 6-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.
- 14. Ingress and egress to the site will be directly from Robinson Loop Road.

Section 3. Permit Conditions

Requirements Prior to Excavation

Prior to beginning excavation activities, the following conditions must be implemented and proof provided to the Planning Department:

- 1. The permittee must install and maintain one observation well at least two (2) feet below the lowest level of excavation, per 10 acres of excavated area. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.
- 2. The permittee will have the area of excavation, buffers, and any easements or rights-of-way abutting the proposed CLUP area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.
- 3. Within 90 days of the issuance of the Notice of Decision and prior to excavation, the permittee must provide proof of bonding related to the reclamation plan that was submitted with the application. Failure to do so will render this CLUP invalid. The bond must be maintained for the life of the permit.
- 4. The permittee must obtain an Alaska Department of Natural Resources (ADNR) temporary use authorization if the permittee intends for water to leave the site.
- 5. The permittee must obtain a mining permit as required by ADNR if extraction activities are to take place on state land.

PC Resolution 2025-33 Page **2** of **6**

- 6. The permittee must submit a notice of intent for a construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Alaska Department of Environmental Conservation pursuant to the Alaska Pollutant Discharge Elimination System requirements.
- 7. The permittee must obtain a United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.
- 8. The permittee must submit an application or obtain a permit from any other applicable state or federal agency with regulatory authority of mining activities or earth materials extraction.

General Conditions

- 9. The permittee must reclaim the site as described in the reclamation plan for this parcel.
- 10. The permittee must conduct all activity in compliance with state or federal regulations governing the items listed in KPB 21.29.045(B)(1-3). Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.
- 11. The permittee must operate in accordance with the application and site plan as approved by the Planning Commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a CLUP modification is required in accordance with KPB 21.29.070.
- 12. This CLUP is subject to annual review by the Planning Department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the CLUP may be revoked pursuant to KPB 21.50 if the permittee fails to comply with the provisions of this chapter or the conditions of the permit.
- 13. Once effective, this CLUP is valid for five years. A renewal application must be submitted at least 90 days prior to the expiration of the CLUP.
- 14. At the time of CLUP renewal, every 5 years, the permittee must have all missing boundary stakes replaced before the renewal certificate can be issued. Field staking will require the services of a professional land surveyor.
- 15. Failure to comply with any of the conditions is a violation of the CLUP and is subject to enforcement pursuant to KPB Chapter 21.50.
- 16. This CLUP is not transferable unless a written transfer request is submitted to the Planning Department, an inspection is performed, and approval is issued. Note that CLUP transfers cannot be approved if the permittee is in violation of its CLUP conditions or KPB code.

Buffer Zone

- 17. The permittee must maintain the buffers between the area of excavation and the parcel boundaries as shown in the approved site plan and updated in the noise buffer plan. The permittee will maintain a minimum 6-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 6-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used.
- 18. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.
- 19. The permittee must not allow buffers to alter natural drainage features.
- 20. The permittee must not allow a buffer to overlap an easement.

PC Resolution 2025-33 Page **3** of **6**

Water Source Separation

- 21. The permittee must not extract material below or within two feet of the seasonal high-water table.
- 22. The permittee must not conduct off-site excavation dewatering.
- 23. The permittee must not extract material within 100 linear feet of any water source existing prior to original CLUP issuance, as defined in KPB 21.29.130.

Dust Control

24. The permittee will provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

- 25. A project-based waiver is granted to conduct material extraction activities, including equipment operation, outside the hours of 6:00 a.m. and 9:00 p.m. The Planning Commission finds this waiver is necessary to the Sterling Safety Corridor Improvements project because DOT&PF will be implementing traffic safety restrictions that will require construction activities to occur at night. The Planning Commission finds that the waiver is not harmful to the public health, safety, and general welfare of borough residents because:
 - a. The permittee will install a combination of earthen berms and utilize existing forested areas as buffers to the neighboring properties.
 - b. The site's ingress/egress is directly from Robinson Loop Road, reducing the adverse impacts of routing material site traffic through a neighborhood.
 - c. The permittee will not be processing or conditioning material at this site in order to reduce impacts to the general welfare of neighboring residents.

d.	 	
e.		

Groundwater Elevation

26. Prior to excavation, the permittee will install and maintain an observation well at least two (2) feet below the lowest level of excavation. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.

Setback

27. Material site excavation areas must be 250 feet from the property boundaries of any existing public school ground, private school ground, college campus, licensed childcare facility, multipurpose senior center, assisted living home, and licensed health care facility.

Permit Boundaries

28. The permittee will have the area of excavation, buffers and any easements or rights-of-way abutting the proposed permit area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.

Processing

29. The permittee must not conduct material processing, screening, or crushing activities unless the permittee obtains a modification to this CLUP and is issued a Type II Endorsement and the conditions of KPB 21.29.055 are imposed on the CLUP.

PC Resolution 2025-33 Page **4** of **6**

Fuel Storage

30. The permittee must ensure that fuel storage containers larger than 50 gallons will be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller will not be placed directly on the ground, but will be stored on a stable impermeable surface. Double-walled fuel storage tanks are allowed for secondary containment.

Ingress and Egress

31. The ingress and egress to the material site will be directly from Robinson Loop Road.

Surface and Groundwater Protection

- 32. Surface and groundwater protection measures are not required for this site as there are no wetlands or surface waters within, or adjacent to, the property boundaries.
- 33. The permittee must not excavate in a way that causes off-site dewatering.

Street-Level Screening

34. The permittee will be installing a 6-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 6-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.

Public Campgrounds

- 35. There are no public campgrounds within 1,000 feet of the site operations, and therefore no added conditions apply.
- Section 4. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the four standards found in KPB 21.29.040:

CONCLUSIONS OF LAW

- 1. That the use is not inconsistent with the applicable comprehensive plan. Findings 4, 6-7, and Conditions 4-8, 10-12, 14-15, and 35 meet this standard.
- 2. That the use will not be harmful to the public's health, safety, and general welfare, or the health of anadromous waterbodies. Findings 4, 10-13, and Conditions 1-2, 4, 6-7, 10-19, and 21-34 meet this standard.
- 3. That sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths, are being provided consistent with this chapter. Findings 4, 10-13, 16, and Conditions 1-2, 4, 11-19, and 21-34 meet this standard.
- 4. That the use provides for a reclamation plan consistent with KPB 21.29. Findings 9 and Conditions 3, 9, 11-13, and 15 meet this standard.

PC Resolution 2025-33 Page **5** of **6**

Section 5.	sand, gravel, or mater over 5 acres and must	QAP, is granted a conditional land use permit to operate a ial site under a Type I Endorsement for material extraction reclaim the site to a stable condition upon completion of the Commission authorizes the issuance of conditional land use is resolution.
	THE PLANNING COMMISS DAY OF	SION OF THE KENAI PENINSULA BOROUGH ON THIS, 2025.
		Jeremy Brantley, Chairperson Planning Commission
ATTEST:		5
Ann Shirnber Administrativ	•	

PC Resolution 2025-33 Page **6** of **6**



Planning Department

144 North Binkley Street, Soldotna, AK 99669 | (P) 907-714-2200 | (F) 907-714-2378 | www.kpb.us

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

November 19, 2025

Public notice is hereby given that a Conditional Land Use Permit (CLUP) application has been received to develop a material site (gravel pit) on a property located in the Sterling area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within 1,000-feet of the subject property, and are invited to provide comment at the below public hearing.

Applicant: COLASKA INC DBA QAP

Landowner: COLASKA INC Parcel Number(s): 06304702

Legal Description: T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4

SW1/4 & SW1/4 NW1/4 SW1/4

Address: 36780 ROBINSON LOOP RD

Public Hearing:

Date and Time: Monday, December 8, 2025 at 7:30 p.m.

Location: Kenai Peninsula Borough

Betty Glick Assembly Chambers 144 N. Binkley, Soldotna, AK 99669

Zoom Meeting ID: 907 714 2200

Zoom Link: https://us06web.zoom.us/j/9077142200 **Telephonic:** 1-888-788-0099 or 1-877-853-5247

Special Impact Zone: Landowners with a primary residence within 1,000 horizontal feet of a material site are located in an area called the Special Impact Zone. Residents in this zone may request that the material site implement screening methods that are objective, measurable, and within the overall regulatory limits of KPB 21.29, by providing substantial evidence to support the request.

<u>Public Comment:</u> You may provide verbal comment at the above hearing. You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be** received by Friday, December 5, 2025. Note that any party of record, as defined by KPB 21.20.210, may appeal the Planning Commission's decision within 15 days of the *Notice of Decision* under the provisions of KPB 21.20.

The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.

Ryan Raidmae Planner









CLUP Notification Report

Tuesday, November 25, 2025 Report generated for KPB Parcel(s): 06304702





Original selection

Parcels intersecting the buffered area.

The following list was created by applying a 1000 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to slopez@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	Z I P
06301212	PENINSULA PROPERTIES LLC	PO BOX 3306	SOLDOTNA	AK	99669
06301407	HEITMEYER CHERIE	PO BOX 1522	SEWARD	AK	99664
06301407	HEITMEYER JAMES	PO BOX 1522	SEWARD	AK	99664
06301407	SCHUTTER JEFFREY	PO BOX 877	SEWARD	AK	99664
06301407	SCHUTTER MELISSA	PO BOX 877	SEWARD	AK	99664
06301408	SCHAVE MARK J	PO BOX 251	STERLING	AK	99672
06301409	MATTHEWS E WAYNE	PO BOX 68	SHERIDAN	CA	95681
06301424	SEARFUS THOMAS ARTHUR & KIMBERLY RAE	23036 BLUE BIRD DR	CANYON LAKE	CA	92587
06301476	HANSON DONALD B	PO BOX 310	GARDEN CITY	TX	79739
06301478	SUMMERHAYS JOHN DAVID	5856 KENAI FJORDS LOOP	ANCHORAGE	AK	99502
06301479	SULLIVAN BERNIE & CAROLINE	6951 DICKERSON DR	ANCHORAGE	AK	99504
06301480	FISHER CAROL	18855 ANDREANOF DR	EAGLE RIVER	AK	99577
06301480	FISHER MORRISON	18855 Andreanof Dr	EAGLE RIVER	AK	99577
06301481	BURNS ERIN MEGAN	39235 MISSOURI ST	STERLING	AK	99672
06301481	BURNS JOSEPH DUNCAN	39235 MISSOURI ST	STERLING	AK	99672
06301489	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301489	BAUER JODY	PO BOX 422	SOLDOTNA	AK	99669
06301490	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301490	BAUER JODY	PO BOX 422	SOLDOTNA	AK	99669
06301491	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301491	BAUER JODY L	PO BOX 422	SOLDOTNA	AK	99669
06301492	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669

All Ownership Records

DADCE! ID	OWNER	ADDRECC	CITY	CTATE	710
PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
06301492	BAUER JODY L	PO BOX 422	SOLDOTNA	AK	99669
06301493	FLETCHER ANITA	PO BOX 1336	STERLING	AK	99672
06301493	FLETCHER JOHN	PO BOX 1336	STERLING	AK	99672
06301494	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301494	BAUER JODY	PO BOX 422	SOLDOTNA	AK	99669
06301801	KEENEY ANDREA M	PO BOX 1350	STERLING	AK	99672
06301801	KEENEY KEITH E	PO BOX 1350	STERLING	AK	99672
06301802	KEENEY KEITH	PO BOX 1350	STERLING	AK	99672
06301803	MERCER LLOYD D	39430 DUDLEY AVE	SOLDOTNA	AK	99669
06301804	LABRUM JAKE	2287 W 700 S	LEHI	UT	84043
06301805	LABRUM JAKE	2287 W 700 S	LEHI	UT	84043
06301809	PALANGJIT DHARMA JAKRAWARN FOUNDATION INC	3873 THREE TOP RD	TODD	NC	28684
06301810	BASARGIN NATALIA	PO BOX 991	HOMER	AK	99603
06301811	MATTHEWS DEL	2230 SE BITTERBRUSH DR	MADRAS	OR	97741
06301811	MATTHEWS MARY ANN	1327 E WELLESLEY AVE	SPOKANE	WA	99207
06301812	PARKER ANTHONY W	PO BOX 749	STERLING	AK	99672
06301815	PERZECHINO JAMES J	39171 MISSOURI ST	STERLING	AK	99672
06301816	DUVALL DOREEN L	PO BOX 843	STERLING	AK	99672
06301816	FIGUEROA ARLENE A	PO BOX 843	STERLING	AK	99672
06301817	PERZECHINO JAMES J	39171 MISSOURI ST	STERLING	AK	99672
06301818	DOUTHIT DONALD	39089 MISSOURI ST	STERLING	AK	99672
06301820	MAIN LIVING TRUST	9155 SHADY BAY CIR	ANCHORAGE	AK	99507
06301826	BARKER NAOMI S	PO BOX 3072	SOLDOTNA	AK	99669
06301827	ZIMMERMAN CHAD	PO BOX 2006	SOLDOTNA	AK	99669
06301827	ZIMMERMAN MILDRED	PO BOX 2006	SOLDOTNA	AK	99669
06301828	WHITEMAN BARBARA A	37126 ROBINSON LOOP RD	STERLING	AK	99672
06301830	MAIN LIVING TRUST	9155 SHADY BAY CIR	ANCHORAGE	AK	99507
06301831	DAILY JOSHUA JAMES	PO BOX 1357	STERLING	AK	99672
06301831	DAILY RHEANNA WANAMAKER	PO BOX 1357	STERLING	AK	99672
06301832	FOUST ERIC JAY	39101 WINDMILL ST	STERLING	AK	99672
06301832	FOUST MELISSA ANN	39101 WINDMILL ST	STERLING	AK	99672
06301833	SHRYOCK AARON CRAIG	PO BOX 322	STERLING	AK	99672
06304328	CHRISTENSEN FRANK J & CAROLYN P	39610 STERLING AIR PARK ST	STERLING	AK	99672

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
06304329	CAMPBELL MATTHEW DAVID	PO BOX 564	STERLING	AK	99672
06304702	COLASKA INC	6411 A ST	ANCHORAGE	AK	99518
06304710	PIERCE BONNIE LEE LIVING TRUST REVOCABLE TRUST AGREEMENT	36686 SONDRA AVE		AK	99672
06304711	MCKENNA JAMES G & MARILYN N	PO BOX 2204	SOLDOTNA	AK	99669
06304713	ANDERSON SUSAN A	3705 ARCTIC BLVD	ANCHORAGE	AK	99503
06304714	WILLIAMSON JOHN	PO BOX 189	STERLING	AK	99672
06304715	PENNER SHANNON & GARY I	36829 SONDRA AVE	STERLING	AK	99672
06304716	CUNNINGHAM BRICE A	36822 SONDRA AVE	STERLING	AK	99672
06304716	CUNNINGHAM NICOLE L	36822 SONDRA AVE	STERLING	AK	99672
06304717	LANTZ ALVA R & ANNA M	39341 RED HILL ST	STERLING	AK	99672
06304718	AUSTIN GRADY E	39439 RED HILL ST	STERLING	AK	99672
06304718	TOCKTOO-AUSTIN TAMAIRA S	39439 RED HILL ST	STERLING	AK	99672
06304719	MICHAEL SARAH	39485 RED HILL ST	STERLING	AK	99672
06304719	MICHAEL SHANE	39485 RED HILL ST	STERLING	AK	99672
06304722	ROBERTSON JENNY	PO BOX 2204	SOLDOTNA	AK	99669
06304723	NESS JASON E	39068 RED HILL ST	STERLING	AK	99672
06304723	NESS SAMANTHA L	39068 RED HILL ST	STERLING	AK	99672
06304724	NESS JASON E	39068 RED HILL ST	STERLING	AK	99672
06304724	NESS SAMANTHA L	39068 RED HILL ST	STERLING	AK	99672
06304728	STRANG RICHARD LIVING TRUST	1120 PEPPER DR SPC 165	EL CAJON	CA	92021
06304729	SHORT ELIZABETH D	PO BOX 917	STERLING	AK	99672
06304730	SHORT DAVID J	PO BOX 1394	STERLING	AK	99672
06304731	SHORT DAVID R	PO BOX 1394	STERLING	AK	99672
06304731	SHORT REBECCA J	PO BOX 1394	STERLING	AK	99672
06304735	VERMILYA DONALD SCOTT	39430 MISSOURI ST	STERLING	AK	99672
06379004	MARTINELLI KAREN ANN	PO BOX 391	STERLING	AK	99672
06379004	MARTINELLI RONALD L	PO BOX 391	STERLING	AK	99672
06379005	PARKS DANIEL	36685 ROBINSON LOOP RD	STERLING	AK	99672
06379005	PARKS JILL	36685 ROBINSON LOOP RD	STERLING	AK	99672
06379006	ANDERSON DAWNA D	PO BOX 1388	STERLING	AK	99672
06379006	ANDERSON MARTIN T	PO BOX 1388	STERLING	AK	99672
06379007	MARTINELLI RONALD L & KAREN A	PO BOX 391	STERLING	AK	99672
06386001	EBERT CHERYL M	12016 29TH AVE SE	EVERETT	WA	98208

 From:
 Dawn Kelly

 To:
 Raidmae, Ryan

 Cc:
 ongporgm05@gmail.com

Subject: <EXTERNAL-SENDER>comment for public notice for parcel 06304702

Date: Wednesday, November 26, 2025 7:52:55 AM

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Comment to Public notice

thank you for the public notice for 36780 Robinson Loop Road in regard to the proposed usage as a gravel pit site.

Our Parcel is located at **T 5N R 9W SEC 4 Seward Meridian KN 0860050 INGLEBROOK SUB LOT 9 BLK 1** in the near vicinity of the petioning lot. PIN number 06301809

As a neighbor of this property, we ask that the the owner do what is necessary to protect the water table in the area.

As per the wording on the public notice, we request that the proposed material site implement screening methods that are objective, measurable, and within the overall regulatory limits of KPB 21.29 and provide substantial evidence to support the request.

Thank you,

Dawn Kelly President.

PALANGJIT DHARMA JAKRAWARN FOUNDATION INC. USA

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

3. Conditional Land Use Permit; PC Resolution 2025-33

Applicant: Colaska Inc. DBA QAP

Request: To operate a material site (gravel pit)

Parcel Number: 06304702

Address: 36780 Robinson Loop Road

Sterling Area

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

This letter is in response to the public notice of a Conditional Land Use Permit application to develop a gravel pit at 36780 Robinson Loop Road, Sterling, AK 99672.

As a landowner and resident of Sterling within the Kenai Peninsula Borough, I strongly oppose this gravel pit, and request that the permit application be denied on the grounds set forth in KPB 21.29 section 7a and b as there are no screening methods available to screen the noise, dust, and eliminate the well water and water quality impacts to my property.

I do not want to live next to an active gravel pit. It can be hazardous to my health, my property values will decrease, the noise alone will not allow me to enjoy my property in the summer when all the work will be occurring.

A gravel pit within 1 mile of my property will decrease its value and be hard to sell in the future. An active gravel pit is a major deterrent to buyers especially due to the noise pollution, increased traffic, and dust from gravel hauling trucks on Robinson Loop Road.

My well water quality and quantity will be affected. It will harm the aquifer. Gravel Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water downstream from a gravel pit site.

The Noise!! The noise from the gravel pit will impact the quiet enjoyment of my outdoor time, with family and friends and neighbors. Large mechanized processes, gravel crushing, digging, grinding, drilling, will put our neighborhood community at an increased risk of noise overexposure.

<u>Air pollution and dust from operations will impact my health</u>. The negative impacts on human health from gravel pit operations are well documented. Both workers of gravel pits and residents close to gravel pits are at risk of pulmonary issues ranging from shortness of breath and airway restriction to chronic obstructive pulmonary disease and

silicosis. Dust created by gravel pits is considered respirable crystalline silica, a type of particulate matter. Studies have established a strong link between these particles and Silicosis and Pulmonary disease.

Re-opening a new gravel pit here is not needed. There is a 160 acre newly permitted gravel pit less than 1 mile away (0.44 miles) from this inactive pit which is located on 36280 Robinson Loop Road which will have ample aggregate for the upcoming 2027-28 Sterling Hwy road project. It is also locally owned by a Sterling Resident. The company who is applying for the CLUP is Colaska and they are not a local owner. It is vital that we support our local businesses.

HISTORY OF THE CURRENT INACTIVE PIT:

As mentioned above, the need for gravel for the highway project can be extracted from the currently permitted locally-owned pits. These pits also do not have a large resident community living adjacent to the area.

About 30 years ago when this gravel pit was active there were only about 4 residents living nearby. The pit went inactive a few years later and has been inactive for at least 20 years. During this time new subdivisions were developed, lots sold, infrastructure built, and now this area houses a nice local community and neighborhood with retired professionals and active families. Over 40 residences now live within the Special Impact Zone and call this area home.

As mentioned, there are at least 20 homes directly adjacent to the gravel pit parcel that will be directly affected by operations. There is no method available for the permit applicant to screen our residences of adverse noise, dust, and the additional impacts to our health, safety, and general welfare. The parcel is too narrow for sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths as per 21.29.040

At least 19 other residents border the parcel in question, and we are considered to be in the Special Impact Zone (a primary residence within 1000 ft of a material site) along with another 20+ properties that do not border the proposed pit but are inside the SIZ.

Chapter 21.29.050 subsection 7(b)

For Type 1, 2, and 3 Endorsements, noise, dust, or other impacts that cannot be screened as set forth in Subsection 7(a) within 1000 horizontal feet of an existing principle residential structure may be grounds for denial.

JUSTIFICATION FOR PERMIT DENIAL: I therefore request that the permit application be denied on the grounds set forth in KPB 21.29.050 section 7a and b as there are no screening methods available to *significantly* screen the noise, dust, and eliminate the well water impacts to my property as I and at least 19 of my fellow neighbors are within 1000 horizontal feet of the gravel pit. This use WILL BE HARMFUL to the public's health, safety, and general welfare (21.29.040 subsection A (2))

MITIGATION MEASURES IF MY REQUEST TO DENY THIS PERMIT IS IGNORED If however, the commission decides to approve this permit (which I will appeal) then I do request that the permit holder complies with all State and Federal laws including the following mitigation measures:

- Expand the buffer zone to 100ft per KPB 21.29.050 subsection B(1) a): A minimum 100 foot buffer zone is needed to be significant screening method (a 30 foot buffer zone is not going to be effective to screen for noise and dust in this neighborhood) and must be established between the area of excavation and the parcel boundaries. The buffer zone must provide street-level, dust, and noise screening. The buffer zone will include a minimum 12 foot (not 6 foot) sight-obscured fence; or an alternative buffer proposal that the planning commission or planning director, as applicable, deems appropriate. Air quality and noise levels (see below) will be measured over 3 years at the point of production (0ft), and at the 100ft, 500ft, and 1,000 ft buffer zones to quantify if air quality and noise has been effectively mitigated. These will be the objective and measurable screening methods the permittee will additionally have in place
- Air Quality monitoring: An EPA air quality control permit be required for aggregate crusher work and air quality monitoring equipment to be installed for the first 3 years to collect data on dust and air quality and determine the efficacy of the screening methods used (the 100 ft buffer zone) by the permit holder. An air monitoring station would be placed within the gravel pit (0 ft) and 3 other stations will be located within the SIZ at various distances (at the 100ft buffer, 500ft and 1000ft from the pit) which will provide measureable and quantifiable data to determine the efficacy of the buffer zone used.
- Noise monitoring: Noise monitoring equipment to be installed for the first 3 years
 to collect data on noise, and to determine the efficacy of the screening methods
 used (the 100 ft buffer zone) by the permit holder. A noise monitoring station
 would be placed within the gravel pit and 3 other stations will be located within
 the SIZ at various distances (at the 100ft buffer, 500ft and 1000ft from the pit)
 which will provide measureable and quantifiable data to determine the efficacy of

the buffer zone used.

- Dust control. Dust suppression to be required within the boundaries and points of ingress and egress of the material site by application of water or calcium chloride.
- USE OF MISSOURI STREET: Missouri Street will under no circumstances be used for ingress or egress unless Missouri Street is upgraded (widened and culverts installed) by the permittee or KBP to KPB standards with KPB maintenance prior to permittee use.
- Hours of operation. Material extraction activities, including equipment operation and consolidated material drilling or fracturing, to occur between normal business hours of 8am (not 6:00 am) to 5pm (not 9:00pm) so that families and summer only residents can enjoy their neighborhood without the noise of gravel hauling trucks and associated machinery.
- Setback. Material site excavation areas must be at least 500 feet (not 250 feet) from the property boundaries of any residential parcels.
- Surface and ground water protection. This is extremely important to all residents within the 1,0000 ft Special impact Zone. Use of surface and ground water protection measures to be implemented as specified in KPB 21.29.030(A)(8)(a)
- Street-level screening. Street-level visual screening, noise mitigation, and lighting restrictions as outlined above and in accordance with the standards set forth in KPB 21.29.040
- Development of a Reclamation plan (with bonding) as required by ADNR, pursuant to A.S. 27.19; as most old pits are not being properly rehabilitated.
- United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.

Thank you for the opportunity to comment in writing.

Sincerely,

Name: Jessica Bundle

Dated: 12/1/2075

Address: 39115 Missouri

Strut, AK, 996072

Phone: 910-767-0005

Email: Jess. 6. 6022 Comail. com

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

This letter is in response to the public notice of a Conditional Land Use Permit application to develop a gravel pit at 36780 Robinson Loop Road, Sterling, AK 99672.

As a landowner and resident of Sterling within the Kenai Peninsula Borough, I strongly oppose this gravel pit, and request that the permit application be denied on the grounds set forth in KPB 21.29 section 7a and b as there are no screening methods available to screen the noise, dust, and eliminate the well water and water quality impacts to my property.

I do not want to live next to an active gravel pit. It can be hazardous to my health, my property values will decrease, the noise alone will not allow me to enjoy my property in the summer when all the work will be occurring.

A gravel pit within 1 mile of my property will decrease its value and be hard to sell in the future. An active gravel pit is a major deterrent to buyers especially due to the noise pollution, increased traffic, and dust from gravel hauling trucks on Robinson Loop Road.

My well water quality and quantity will be affected. It will harm the aquifer. Gravel Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water downstream from a gravel pit site.

The Noise!! The noise from the gravel pit will impact the quiet enjoyment of my outdoor time, with family and friends and neighbors. Large mechanized processes, gravel crushing, digging, grinding, drilling, will put our neighborhood community at an increased risk of noise overexposure.

<u>Air pollution and dust from operations will impact my health</u>. The negative impacts on human health from gravel pit operations are well documented. Both workers of gravel pits and residents close to gravel pits are at risk of pulmonary issues ranging from shortness of breath and airway restriction to chronic obstructive pulmonary disease and

silicosis. Dust created by gravel pits is considered respirable crystalline silica, a type of particulate matter. Studies have established a strong link between these particles and Silicosis and Pulmonary disease.

Re-opening a new gravel pit here is not needed. There is a 160 acre newly permitted gravel pit less than 1 mile away (0.44 miles) from this inactive pit which is located on 36280 Robinson Loop Road which will have ample aggregate for the upcoming 2027-28 Sterling Hwy road project. It is also locally owned by a Sterling Resident. The company who is applying for the CLUP is Colaska and they are not a local owner. It is vital that we support our local businesses.

HISTORY OF THE CURRENT INACTIVE PIT:

As mentioned above, the need for gravel for the highway project can be extracted from the currently permitted locally-owned pits. These pits also do not have a large resident community living adjacent to the area.

About 30 years ago when this gravel pit was active there were only about 4 residents living nearby. The pit went inactive a few years later and has been inactive for at least 20 years. During this time new subdivisions were developed, lots sold, infrastructure built, and now this area houses a nice local community and neighborhood with retired professionals and active families. Over 40 residences now live within the Special Impact Zone and call this area home.

As mentioned, there are at least 20 homes directly adjacent to the gravel pit parcel that will be directly affected by operations. There is no method available for the permit applicant to screen our residences of adverse noise, dust, and the additional impacts to our health, safety, and general welfare. The parcel is too narrow for sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths as per 21.29.040

At least 19 other residents border the parcel in question, and we are considered to be in the Special Impact Zone (a primary residence within 1000 ft of a material site) along with another 20+ properties that do not border the proposed pit but are inside the SIZ.

Chapter 21.29.050 subsection 7(b)

For Type 1, 2, and 3 Endorsements, noise, dust, or other impacts that cannot be screened as set forth in Subsection 7(a) within 1000 horizontal feet of an existing principle residential structure may be grounds for denial.

JUSTIFICATION FOR PERMIT DENIAL: I therefore request that the permit application be denied on the grounds set forth in KPB 21.29.050 section 7a and b as there are no screening methods available to *significantly* screen the noise, dust, and eliminate the well water impacts to my property as I and at least 19 of my fellow neighbors are within 1000 horizontal feet of the gravel pit. This use WILL BE HARMFUL to the public's health, safety, and general welfare (21.29.040 subsection A (2))

MITIGATION MEASURES IF MY REQUEST TO DENY THIS PERMIT IS IGNORED If however, the commission decides to approve this permit (which I will appeal) then I do request that the permit holder complies with all State and Federal laws including the following mitigation measures:

- Expand the buffer zone to 100ft per KPB 21.29.050 subsection B(1) a): A minimum 100 foot buffer zone is needed to be significant screening method (a 30 foot buffer zone is not going to be effective to screen for noise and dust in this neighborhood) and must be established between the area of excavation and the parcel boundaries. The buffer zone must provide street-level, dust, and noise screening. The buffer zone will include a minimum 12 foot (not 6 foot) sight-obscured fence; or an alternative buffer proposal that the planning commission or planning director, as applicable, deems appropriate. Air quality and noise levels (see below) will be measured over 3 years at the point of production (0ft), and at the 100ft, 500ft, and 1,000 ft buffer zones to quantify if air quality and noise has been effectively mitigated. These will be the objective and measurable screening methods the permittee will additionally have in place
- Air Quality monitoring: An EPA air quality control permit be required for aggregate crusher work and air quality monitoring equipment to be installed for the first 3 years to collect data on dust and air quality and determine the efficacy of the screening methods used (the 100 ft buffer zone) by the permit holder. An air monitoring station would be placed within the gravel pit (0 ft) and 3 other stations will be located within the SIZ at various distances (at the 100ft buffer, 500ft and 1000ft from the pit) which will provide measureable and quantifiable data to determine the efficacy of the buffer zone used.
- Noise monitoring: Noise monitoring equipment to be installed for the first 3 years
 to collect data on noise, and to determine the efficacy of the screening methods
 used (the 100 ft buffer zone) by the permit holder. A noise monitoring station
 would be placed within the gravel pit and 3 other stations will be located within
 the SIZ at various distances (at the 100ft buffer, 500ft and 1000ft from the pit)
 which will provide measureable and quantifiable data to determine the efficacy of

the buffer zone used.

- Dust control. Dust suppression to be required within the boundaries and points of ingress and egress of the material site by application of water or calcium chloride.
- USE OF MISSOURI STREET: Missouri Street will under no circumstances be used for ingress or egress unless Missouri Street is upgraded (widened and culverts installed) by the permittee or KBP to KPB standards with KPB maintenance prior to permittee use.
- Hours of operation. Material extraction activities, including equipment operation and consolidated material drilling or fracturing, to occur between normal business hours of 8am (not 6:00 am) to 5pm (not 9:00pm) so that families and summer only residents can enjoy their neighborhood without the noise of gravel hauling trucks and associated machinery.
- Setback. Material site excavation areas must be at least 500 feet (not 250 feet) from the property boundaries of any residential parcels.
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Thank you for the opportunity to comment in writing.

Sincerely,

Name:_	Aaron	Shryock
Dated:	Der -2-207	5

Address: 39209 missouri st

Storing AK 9967Z

Phone: 308-707-0266

Email: ashrjock 2680 agnall.com

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

This letter is in response to the public notice of a Conditional Land Use Permit application to develop a gravel pit at 36780 Robinson Loop Road, Sterling, AK 99672.

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I do not want to live next to an active gravel pit. It can be hazardous to my health, my property values will decrease, the noise alone will not allow me to enjoy my property in the summer when all the work will be occurring.

A gravel pit within 1 mile of my property will decrease its value and be hard to sell in the future. An active gravel pit is a major deterrent to buyers especially due to the noise pollution, increased traffic, and dust from gravel hauling trucks on Robinson Loop Road.

My well water quality and quantity will be affected. It will harm the aquifer. Gravel Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water downstream from a gravel pit site.

The Noise!! The noise from the gravel pit will impact the quiet enjoyment of my outdoor time, with family and friends and neighbors. Large mechanized processes, gravel crushing, digging, grinding, drilling, will put our neighborhood community at an increased risk of noise overexposure.

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Thank you for the opportunity to comment in writing.

Sincerely,

Name: Mone Figures
Dated: 12/3/25
Address: 39145
Missouri St
Steering AK
Phone: 907-953-8407
Email:

TO: Kenai Peninsula Borough Planning Department

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Sincerely,

Name: DOREGN DUVACL | # 1 Dated: DECEMBER 3, 1025

Address: 39145

MISSOURI ST.

STERLING, AK 99672

Phone: 907 953-3434

Email: N/A

TO: Kenai Peninsula Borough Planning Department

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Sincerely,

Name: ANTHONY W. PARKER

Dated: 62 DEC 2015

Address: 37/00 INGLEBROOK CT.

Phone: (907) 953-0210

Email: daddykodiak

TO: Kenai Peninsula Borough Planning Department

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Thank you for the opportunity to comment in writing.

Sincerely,

Name: ERIN and OMNCAN	BURNS
Dated: 12/2/25	
Address: 39735 Missu Wist	
Phone: <u>586-215-124b</u>	
Email: bulys-M-lefin Cgm	ail.com

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

This letter is in response to the public notice of a Conditional Land Use Permit application to develop a gravel pit at 36780 Robinson Loop Road, Sterling, AK 99672.

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I do not want to live next to an active gravel pit. It can be hazardous to my health, my property values will decrease, the noise alone will not allow me to enjoy my property in the summer when all the work will be occurring.

A gravel pit within 1 mile of my property will decrease its value and be hard to sell in the <u>future</u>. An active gravel pit is a major deterrent to buyers especially due to the noise pollution, increased traffic, and dust from gravel hauling trucks on Robinson Loop Road.

My well water quality and quantity will be affected. It will harm the aquifer. Gravel Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water downstream from a gravel pit site.

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Sincerely,

Name: Tyler Fergus
Dated: 12-2-25
Address: 37085 Inglebent Ct.
Sterling AK 99672
Phone: 907-394-5973
Email:

TO: Kenai Peninsula Borough Planning Department

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Sincerely,

Name: Heith and Andrea Keeney

Dated: <u>Dec. 1</u> 2025

Address: 37113 Ingle brook Ct Sterling, AK 99672

Phone: 484-223-9825

Email: andrea Keeney 89 Dyahoo Com

TO: Kenai Peninsula Borough Planning Department

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Sincerely,

Name: Matthew & Chelsea Campbell

Dated: 12 01 2025

Dated: 12/01/2025

Address: 39535 Red Hill St. Currently Prenting Until House on DEOHill is Complete

Phone: 832-382-0120

Email: boatharbor @ gmail-can

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Name: Lines Penzechiva

Dated: 1/12-1902-5

Address: 39171 Missouri St

Skeling, AK 99878

Phone: 907 -252-1470

Email: Jeenz 2 at live. Com

DEC 03 2025 KPB PLANNING DEPT. TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

This letter is in response to the public notice of a Conditional Land Use Permit application to develop a gravel pit at 36780 Robinson Loop Road, Sterling, AK 99672.

As a landowner and resident of Sterling within the Kenai Peninsula Borough, I strongly oppose this gravel pit, and request that the permit application be denied on the grounds set forth in KPB 21.29 section 7a and b as there are no screening methods available to screen the noise, dust, and eliminate the well water and water quality impacts to my property.

I do not want to live next to an active gravel pit. It can be hazardous to my health, my property values will decrease, the noise alone will not allow me to enjoy my property in the summer when all the work will be occurring.

A gravel pit within 1 mile of my property will decrease its value and be hard to sell in the <u>future</u>. An active gravel pit is a major deterrent to buyers especially due to the noise pollution, increased traffic, and dust from gravel hauling trucks on Robinson Loop Road.

My well water quality and quantity will be affected. It will harm the aquifer. Gravel Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water downstream from a gravel pit site.

The Noise!! The noise from the gravel pit will impact the quiet enjoyment of my outdoor time, with family and friends and neighbors. I moved to Sterling many decades ago to enjoy a quiet environment. Large mechanized processes, gravel crushing, digging, grinding, drilling, will put our neighborhood community at an increased risk of noise overexposure.

Air pollution and dust from operations will impact my health. The negative impacts on human health from gravel pit operations are well documented. Both workers of gravel pits and residents close to gravel pits are at risk of pulmonary issues ranging from shortness of breath and airway restriction to chronic obstructive pulmonary disease and silicosis. Dust created by gravel pits is considered respirable crystalline silica, a type of particulate matter. Studies have established a strong link between these particles and Silicosis and Pulmonary disease.

Re-opening a new gravel pit here is not needed. There is a 160 acre newly permitted gravel pit less than 1 mile away (0.44 miles) from this inactive pit which is located on 36280 Robinson Loop Road which will have ample aggregate for the upcoming 2026-28 Sterling Hwy road project. It is also locally owned by a Sterling Resident. The company who is applying for the CLUP is Colaska and they are not a local owner. It is vital that we support our local businesses.

HISTORY OF THE CURRENT INACTIVE PIT:

As mentioned above, the need for gravel for the highway project can be extracted from the currently permitted locally-owned pits. These pits also do not have a large resident community living adjacent to the area.

About 30 years ago when this gravel pit was active there were only about 4 residents living nearby. I was one of them. The pit went inactive a few years later and has been inactive for at least 20 years. During this time new subdivisions were developed, lots sold, infrastructure built, and now this area houses a nice local community and neighborhood with retired professionals and active families. Over 40 residences now live within the Special Impact Zone and call this area home.

As mentioned, there are at least 20 homes directly adjacent to the gravel pit parcel that will be directly affected by operations. There is no method available for the permit applicant to screen our residences of adverse noise, dust, and the additional impacts to our health, safety, and general welfare. The parcel is too narrow for sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths as per 21.29.040.

At least 19 other residents border the parcel in question, and we are considered to be in the Special Impact Zone (a primary residence within 1000 ft of a material site) along with another 20+ properties that do not border the proposed pit but are inside the SIZ.

Chapter 21.29.050 subsection 7(b)

For Type 1, 2, and 3 Endorsements, noise, dust, or other impacts that cannot be screened as set forth in Subsection 7(a) within 1000 horizontal feet of an existing principle residential structure <u>may be grounds for denial</u>.

JUSTIFICATION FOR PERMIT DENIAL: I therefore request that the permit application be denied on the grounds set forth in KPB 21.29.050 Subsection 7a and b as there are no screening methods available to *significantly* screen the noise, dust, and eliminate the well water impacts to my property as I and at least 19 of my fellow neighbors that border the parcel, and another 20+ residents that are within 1000 horizontal feet of the gravel pit will be directly affected. This use WILL BE HARMFUL to the public's health, safety, and general welfare (21.29.040 subsection A (2))

- Expand the buffer zone to 100ft per KPB 21.29.050 subsection B(1) a): A minimum 100 foot buffer zone is needed to be significant screening method (a 30 foot buffer zone is not going to be effective to screen for noise and dust in this neighborhood) and must be established between the area of excavation and the parcel boundaries. The buffer zone must provide street-level, dust, and noise screening. The buffer zone will include a minimum 12 foot (not 6 foot) sight-obscured fence; or an alternative buffer proposal that the planning commission or planning director, as applicable, deems appropriate. Air quality and noise levels (see below) will be measured over 3 years at the point of production (0ft), and at the 100ft, 500ft, and 1,000 ft buffer zones to quantify if air quality and noise has been effectively mitigated. These will be the objective and measurable screening methods the permittee will additionally have in place
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- USE OF MISSOURI STREET: Missouri Street will under no circumstances be used for ingress or egress unless Missouri Street is upgraded (widened and culverts installed) by the permittee to KPB standards with KPB maintenance prior to permittee use.
- Hours of operation. Material extraction activities, including equipment operation and consolidated material drilling or fracturing, to occur between normal business hours of 8am (not 6:00 am) to 5pm (not 9:00pm) so that families and summer only residents can enjoy their neighborhood without the noise of gravel hauling trucks and associated machinery.
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Thank you for the opportunity to comment in writing.

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Don Douthit

Don Douthit 39089 Missouri St Sterling, AK 99672

(907) 262-9505 ddouthit@acsalaska.net

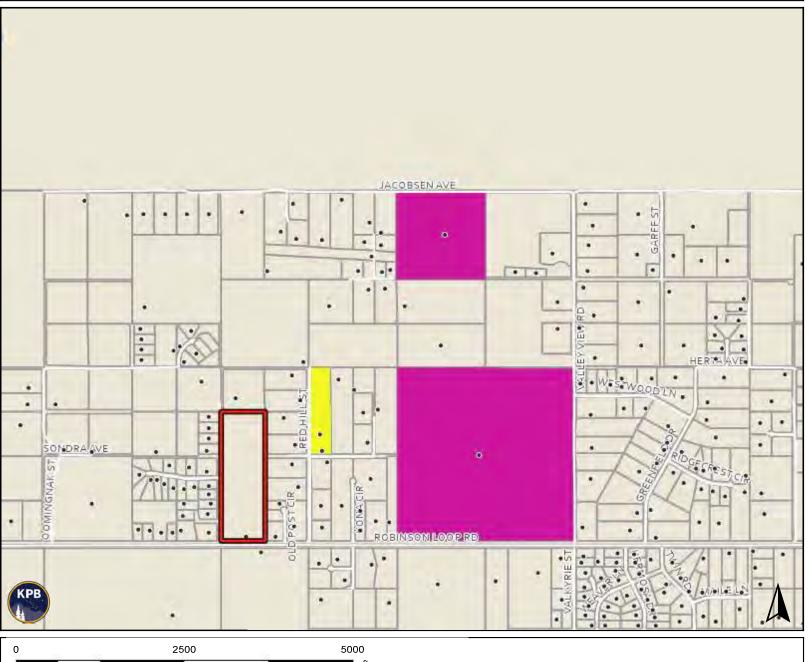
See attachments,

Map 1 = current residents bordering the parcel

Map 2 = current active and available gravel pits that could provide aggregate for the Sterling Hwy project.

viewKPB

Current active gravel pits (purple and yellow)





Legend

Physical Addresses

•

Regulatory Zoning

KPB 21.19 - Material Sites



Prior Existing Use



Conditional Land Use

Permit

Counter Permit

Parcels and PLSS

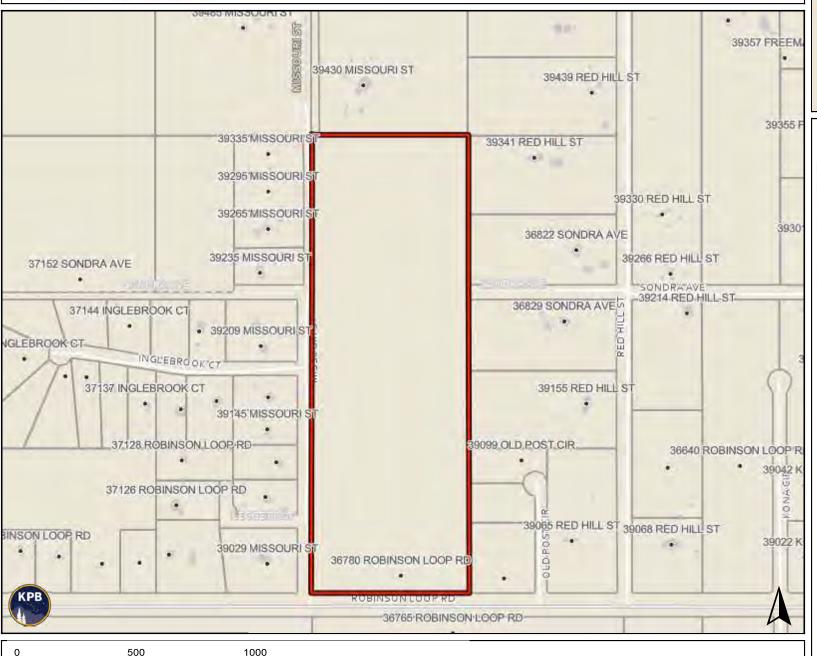
Tax Parcels



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to lemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

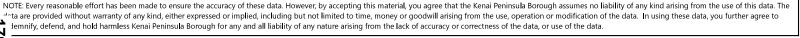
viewKPB

Gravel pit w/in 20 adjacent residences





Physical Addresses
Transportation
Mileposts
Parcels and PLSS
Tax Parcels



<EXTERNAL-SENDER>Gravel pit on Robinson Loop



Morrie Fisher <morriefisher@gmail.com> To Raidmae, Ryan

(i) You replied to this message on 12/2/2025 2:06 PM.

Silicosis and Pulmonary disease.

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Thank you for the opportunity to comment in writing.

Sincerely.

Sent from my iPad I would like to add our names to those who live on Missouri and are strongly opposed to the proposed startup activity on the gravel pit in question Morrison Fisher - morriefisher@gmail.com

Carol Fisher - ninnilchik@gmail.com

TO: Kenai Peninsula Borough Planning Department

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Dated: 12-1-25

Address: 36829 Sondra Ave.

Steeling Ak. 99672

Phone: 907-398-0079
Email: gpcrazybird agmail

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Name: Prady Austin

Dated: 12/3/2025

Address: 39439 Red hill st

Sterling AK, 99672

Phone: 307-200-1413

Email: gradya 1234 Qg mail. com



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- Expand the buffer zone to 100ft per KPB 21.29.050 subsection B(1) a): A minimum 100 foot buffer zone is needed to be significant screening method (a 30 foot buffer zone is not going to be effective to screen for noise and dust in this neighborhood) and must be established between the area of excavation and the parcel boundaries. The buffer zone must provide street-level, dust, and noise screening. The buffer zone will include a minimum 12 foot (not 6 foot) sight-obscured fence; or an alternative buffer proposal that the planning commission or planning director, as applicable, deems appropriate. Air quality and noise levels (see below) will be measured over 3 years at the point of production (0ft), and at the 100ft, 500ft, and 1,000 ft buffer zones to quantify if air quality and noise has been effectively mitigated. These will be the objective and measurable screening methods the permittee will additionally have in place
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the buffer zone used.

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- USE OF MISSOURI STREET: Missouri Street will under no circumstances be used for ingress or egress unless Missouri Street is upgraded (widened and culverts installed) by the permittee or KBP to KPB standards with KPB maintenance prior to permittee use.
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- Setback. Material site excavation areas must be at least 500 feet (not 250 feet) from the property boundaries of any residential parcels.
- Surface and ground water protection. This is extremely important to all residents within the 1,0000 ft Special impact Zone. Use of surface and ground water protection measures to be implemented as specified in KPB 21.29.030(A)(8)(a)
- Street-level screening. Street-level visual screening, noise mitigation, and lighting restrictions as outlined above and in accordance with the standards set forth in KPB 21.29.040
- Development of a Reclamation plan (with bonding) as required by ADNR, pursuant to A.S. 27.19; as most old pits are not being properly rehabilitated.
- United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.

Thank you for the opportunity to comment in writing.

Sincerely,

Name: mall Sch
Dated: 12112025
Address: 39485
Missouri Sterha
99672
Phone: 907-727-0489
Email:

From: Scott Vermilya
To: Raidmae, Ryan

Subject: <EXTERNAL-SENDER>Missouri St Gravel Pit
Date: Wednesday, December 3, 2025 1:26:08 PM

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

From: Donald Scott Vermilya 39430 Missouri Street Sterling, AK 99672

Email:vman1962@hotmail.com

Cell: 618-553-0146

Thank you for your petition to deny reopening of the pit. I own the 9.25 acres due North of the pit. I have retired here and am considering leaving Alaska over this. That said, I would much rather stay. The noise will drive my German Shepherds nuts! I would be more than happy to sign the petition. I am planning on attending the board meeting on Dec 8th as well. From what I could find online the company is French not American.

I would add that should the pit be reopened

- 1) that for the length of time the pit is in operation our property taxes be reduced by 50%. This would give the KPB monetary incentive to minimize its duration of use. KPB monetary pain.
- 2) due to the potential for contamination of our ground water I would request that ColASKA install state of the art water purification at their cost for all affected residents in the impact zone prior to any operations and that any failure of ground water pumps during operation of the pit and up to two years after the pit operations cease be paid for by ColASKA as well. ColASKA monetary pain.

Thanks,

Scott

 From:
 (null) (null)

 To:
 Raidmae, Ryan

 Cc:
 kenaiak02@yahoo.com

Subject: <EXTERNAL-SENDER>Comment on Public Notice for parcel 06304702

Date: Thursday, December 4, 2025 3:12:03 PM

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Comment to Public Notice for parcel 06304702

Our parcel ID is 06304717, Block 2, Lot 2, Burce Subdivision

As property owners immediately adjacent to the proposed CLUP we object to it's approval and offer the following comments for your consideration:

- 1. This pit is not necessary for the completion of the Sterling Highway project. There is a 160 acre, permitted, well established gravel pit with ample aggregate for the Sterling Highway project less than one mile east of this proposed site. In addition, it is owned and operated by a Sterling resident. He lives here, pays taxes here, sends his children to our schools, and supports our local businesses year round.]
- 2. The proposed safeguards against potential water contamination does nothing to protect homeowners in the event our wells do become contaminated. It would be up to each of us to seek a remedy, at great expense, with no responsibility placed on COLASKA/QAP. We propose, that if this CLUP is approved, that COLASKA/QAP be required to post a bond in an amount sufficient to restore adequate safe drinking water to each property affected. If COLASKA/QAP and the Borough Planning Commission are confident enough in the proposed safeguards that our wells will not be affected, posting a bond should be no problem and will go a long way towards easing our fears of suffering significant financial loss.
- 3. Because the Sterling Highway project requires work to be done during nighttime hours, there is nothing preventing this CLUP from operating 24 hours a day. This means the residents of this area will have absolutely no down time, no quiet hours. This is indeed harmful to the general welfare of local residents, not only to quality of life, but also in an almost certain loss of property value. We propose that, if this CLUP is approved, that the screening methods be increased to include a 12 foot high berm and a 50 foot buffer. After all, we'll be dealing with this noise and dust for a minimum of 4 years.

Finally, we ask that you PLEASE, put local residents ahead of the profit margin of COLASKA/QAP. We'll still be here long after this project has been completed. This is our home.

Thank you for the opportunity,

Alva R. & Anna M. Lantz 39341 Red Hill St. Sterling, AK From: Planning Dept,
To: Raidmae, Ryan

Subject: FW: <EXTERNAL-SENDER>Expressing opposition to KPB-7334

Date: Friday, December 5, 2025 6:51:18 AM

FroBmice Cunningham < brice.cunningham@gmail.com >

S e nWtednesday, December 3, 2025 7:06 PM

T oPłanning Dept, <planning@kpb.us>; Mayor's Department <MayorDepartmental@kpb.us>

C cNicole Cunningham <kayden1405@gmail.com>; gpcrazybird@gmail.com

S u b j <€XŒERNAL-SENDER>Expressing opposition to KPB-7334

C A U T 1T los № mail originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Mayor and Planning Commission,

I received a letter in the mail recently in regards to the PC Conditional Land Use Permit application by QAP to operate a material site at 36780 Robinson Loop Rd. I am strongly opposed to this reclamation plan mainly due to the negative impacts it would have on air quality, water supply, noise levels, and property values. I also have concerns with increased heavy truck traffic, road wear and tear, and safety risks.

I live adjacent to the proposed site with my wife and our two young children. I believe this plan would negatively effect my family and neighbors if approved. I understand roads need to be built, but I feel there are better options available for an extraction site. I don't have much time for research since the public notice was quite short, but I plan to attend the meeting on Dec 8, along with many of my fellow neighbors, to express opposition to KPB-7334.

Sincerely,

Brice Cunningham 36822 Sondra Ave, Sterling AK 99672 (907) 398-2609

From:

Friday, December 5, 2025 12:42:26 PM <u>lorie baggett</u>

<u>Raidmae, Ryan</u>

<EXTERNAL-SENDER> Develop an inactive gravel pit on Robinson loop

Date: Subject:

responding or providing information. Do not click on links or open attachments unless recognize the **CAUTION:** This sender, email originated know the content is from outside of the safe and were expecting the communication KPB system. Please use

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you

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

This letter is in response to the public notice of a Conditional Land Use Permit application to develop a gravel pit at 36780 Robinson Loop Road, Sterling, AK 99672.

As a landowner and resident of Sterling within the Kenai Peninsula Borough, I strongly oppose this gravel pit, and request that the permit application be denied on the grounds set forth in KPB 21.29 section 7a and b as there are no screening methods available to screen the noise, dust, and eliminate the well water and water quality impacts to my property.

I do not want to live next to an active gravel pit. It can be hazardous to my health, my property values will decrease, the noise alone will not allow me to enjoy my property in the summer when all the work will be occurring.

A gravel pit within 1 mile of my property will decrease its value and be hard to sell in the future. An active gravel pit is a major deterrent to buyers especially due to the noise pollution, increased traffic, and dust from gravel hauling trucks on Robinson Loop Road.

My well water quality and quantity will be affected. It will harm the aquifer. Gravel Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water downstream from a gravel pit site.

The Noise!! The noise from the gravel pit will impact the quiet enjoyment of my outdoor time, with family and friends and neighbors. Large mechanized processes, gravel crushing, digging, grinding, drilling, will put our neighborhood community at an increased risk of noise overexposure

Air pollution and dust from operations will impact my health. The negative impacts on human health from gravel pit operations are well documented. Both workers of gravel pits and residents close to gravel pits are at risk of pulmonary issues ranging from shortness of breath and airway restriction to chronic obstructive pulmonary disease and

silicosis. Dust created by gravel pits is considered respirable crystalline silica, a type of particulate matter. Studies have established a strong link between these particles and Silicosis and Pulmonary disease.

Re-opening a new gravel pit here is not needed. There is a 160 acre newly permitted gravel pit less than 1 mile away (0.44 miles) from this inactive pit which is located on 36280 Robinson Loop Road which will have ample aggregate for the upcoming 2026-28 Sterling Hwy road project. It is also locally owned by a Sterling Resident. The company who is applying for the CLUP is Colaska and they are not a local owner. It is vital that we support our local businesses.

HISTORY OF THE CURRENT INACTIVE PIT:

As mentioned above, the need for gravel for the highway project can be extracted from the currently permitted locally-owned pits. These pits also do not have a large resident community living adjacent to the area.

About 30 years ago when this gravel pit was active there were only about 4 residents living nearby. The pit went inactive a few years later and has been inactive for at least 20 years. During this time new subdivisions were developed, lots sold, infrastructure built, and now this area houses a nice local community and neighborhood with retired professionals and active families. Over 40 residences now live within the Special Impact Zone and call this area home.

As mentioned, there are at least 20 homes directly adjacent to the gravel pit parcel that will be directly affected by operations. There is no method available for the permit applicant to screen our residences of adverse noise, dust, and the additional impacts to our health, safety, and general welfare. The parcel is too narrow for sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths as per 21.29 040

At least 20 residents border the parcel in question, and we are considered to be in the Special Impact Zone (a primary residence within 1000 ft of a material site) along with another 20+ properties that do not border the proposed pit but are also inside the SIZ.

Chapter 21.29.050 subsection 7(b)

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- United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.

Thank you for the opportunity to comment in writing.

Sincerely.

4

Name: Michael Johnson Dated: 12-5-25 Address: 39088 Wahl St Sterling AK 991072 Phone: 1-801-598-5861
Email: ride-the-kitty 907@hatmail.com

Sandra Ford

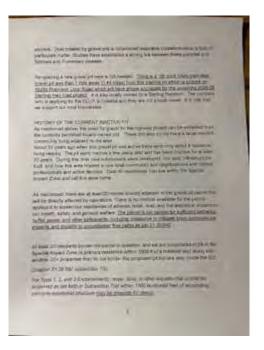
Raidmae, Ryan

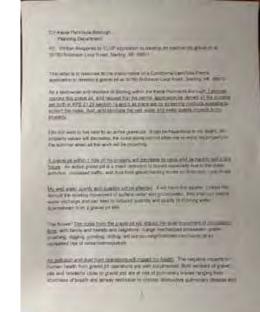
<EXTERNAL-SENDER>CLUP application response

Friday, December 5, 2025 12:34:31 PM

Date: Subject:

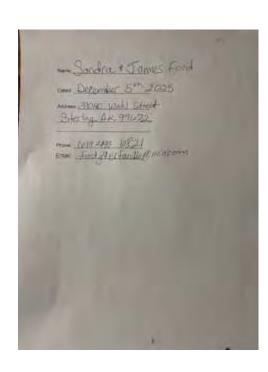
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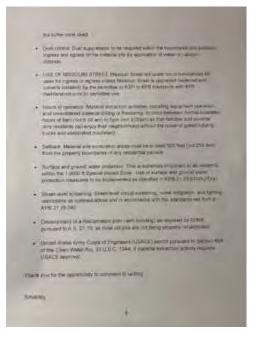




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Supplemental

(MATERIALS SUBMITTED AFTER 1:00 PM 12/5/25)

E. NEW BUSINESS

3. Conditional Land Use Permit; PC Resolution 2025-33

Applicant: Colaska Inc. DBA QAP

Request: To operate a material site (gravel pit)

Parcel Number: 06304702

Address: 36780 Robinson Loop Road

Sterling Area

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

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Thank you for the opportunity to comment in writing.

Sincerely,

Name: David 5 Short
Dated: 12.5-25
Address: Po BOX 1394 Ster 1: 19
J5N R9W Sec 3 Bruce Sido NO 2 Lot 2A
Phone: 907. 741-9295
David

TO: Kenai Peninsula Borough Planning Department

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Thank you for the opportunity to comment in writing.

Sincerely,

Name: Dave and Rebecca Short
Dated: 12-5-25
Address: 36702 Robinson LP
Sterling 99672
Phone: 907-365-9608
Email: akhotshote yano. com

TO: Kenai Peninsula Borough Planning Department

RE: Written Response to CLUP application to develop an inactive old gravel pit at 36780 Robinson Loop Road, Sterling, AK 99611

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Thank you for the opportunity to comment in writing.

Sincerely,

Name: Elizabeth and Logan hatzenberger

Dated: 12-5-25

Address: 99672

Sterling AK

Phone: 907-831-6556

Email: Lizzy-Short@ywhoo.com

TO: Kenai Peninsula Borough Planning Department

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Name: Anthony D, Tarker
Dated: 12-3-2025
Address: 37100 Imglebrook CA. Sterling, AK 99672
Sterling, AK 99672
Phone: 907-252-5663
Email: Authorn parker 34@icloud, Com
Chishough goles

TO: Kenai Peninsula Borough
Planning Department

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Name.	Jason and Samantha Ness		
Dated:	12/5/2025	and the same of th	
Address	39068 Red Hill St		
Sterling, AK 99672			
· · · · ·			
Phone:	907-252-5642		
EMAT	ness.samantha@vahoo.com	,	

CHAPTER 21.29. MATERIAL SITE PERMITS¹

21.29.005. Intent and purpose.

The purpose of this chapter is to provide a land use permitting process to regulate the operation, scope, and duration of earth materials extraction and processing within the borough while promoting the public health, safety, and general welfare of the Kenai Peninsula Borough, including the health of aquatic systems that support salmon. It is the further purpose of this chapter to promote compatible, orderly development.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.010. Applicability—Prohibitions.

- A. This chapter applies to all private and public lands in the borough except where the use is prohibited by ordinance within a local option zoning district or exempt under KPB 21.29.015.
- B. This chapter does not apply within the incorporated cities of the Kenai Peninsula Borough.
- C. Earth material within 300 linear feet from riparian wetlands and the seasonal high-water level of naturally-occurring open water bodies, such as a lake, pond, river, perennial stream, or ocean, is prohibited. This prohibition does not apply to man-made water bodies or isolated ponds of less than one acre on private property or the construction of waterbodies within the permitted area. This prohibition likewise does not apply to tidewater material harvesting operations from saltwater sources conducted under a Type IV Endorsement;
- D. All operations must be conducted in accordance with the current publication of the State of Alaska, Alaska DEC User's Manual Best Management Practices for Gravel/Rock Aggregate Extraction Projects. In the event a provision of this chapter conflicts with the State of Alaska's manual, this chapter controls.
- E. Up to 5,000 gallons of water per day may be withdrawn from a well. Proof of ADNR use authorization is required for a withdrawal of water in excess of 5,000 gallons per day from a well, as long as there is no open pond with active excavation. Open water is allowed only with an approved settling pond per KPB 21.29.055 or in conjunction with a CLUP approved pursuant to KPB 21.29.057 (Type III CLUP).

(Ord. No. 2024-11, § 1, 6-18-24; Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.015. Material extraction exempt from obtaining a permit.

A. Material extraction limited to one acre per parcel, that is not in a mapped flood plain or subject to 21.29.015(B), does not require a permit. There will be no excavation within 20 feet of a public right-of-way or within 10 feet of a lot line. An owner or operator exempt under this subsection must register with the

¹Editor's note(s)—Ord. No. 2022-36, Sub., § 3, adopted October 10, 2023, amended the Code by repealing former ch. 21.29, §§ 21.29.010—21.29.130, and adding a new ch. 21.29. Former ch. 21.29 pertained to similar subject matter, and derived from Ord. No. 2006-01(S), adopted August 1, 2006; Ord. No. 2011-32, adopted September 20, 2011; Ord. No. 2011-34, adopted October 11, 2011; Ord. No. 2013-29, adopted August 6, 2013; and Ord. No. 2022-27, adopted August 9, 2022.

- borough on a form provided by the planning department and must comply with KPB 21.29.010(C). Material extraction within two feet of seasonal high-water table and all material crushing or screening activities are prohibited under this exemption.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area do not require a permit, however, operators subject to this exemption must provide the planning department with the information required by KPB 21.29.030(A)(1) and (6), and a current flood plain development permit prior to beginning operations.
- C. A prior existing use that is in full compliance with all provisions of KPB 21.29.120 does not require a material extraction permit.
- D. Material extraction from public or private property which is necessary for the construction of a public or private development on the same property does not require a material site extraction permit.
- E. All consolidated material extraction requires a conditional land use permit (KPB 21.29.020(B)).

21.29.020. Types of permits available.

- A. Counter permit. A counter permit is required for earth material extraction which disturbs more than one acre and less than 5 cumulative un-reclaimed acres and is limited to one counter permit per parcel. Counter permits are not available for consolidated material extraction. Material conditioning or processing, and material extraction within two feet of the seasonal high-water table is prohibited under a counter permit except, upon request from the applicant, the planning director or designee may issue a limited processing waiver for screening of materials only. This processing waiver may not exceed thirty consecutive days per year. The hours of operation under the one-time processing waiver are the same as provided for a Type II Earth Materials Conditioning or Processing Endorsement under 21.29.055. Buffer conditions for a one-time processing waiver must be established consistent with the permit application prior to commencement of processing operations. A counter permit is valid for a period of two years. Upon request from the applicant, the planning director, or designee, may grant one 12-month extension on a counter permit. Counter permits are approved by the planning director, or designees, and are not subject to notice requirements under KPB 21.25.060. The planning director's decision to approve or deny a counter permit may be appealed to the planning commission, which must act as the hearing officer, in accordance with KPB 21.20.
- B. Conditional land use permit. A conditional land use permit (CLUP) is required for earth materials excavation, extraction, and earth materials conditioning or processing, that exceed the limitations for a counter permit in KPB 21.29.020(A) or for activities within two feet of the seasonal high-water table. A CLUP is required for consolidated material extraction. A CLUP applicant may request the following CLUP endorsements as part of a single application and fee:
 - Type I Endorsement Earth Materials Extraction. A Type I Endorsement is required for any earth
 materials excavation or extraction which disturbs 5 or more cumulative acres. Earth materials
 conditioning or processing activities and excavation or extraction within two feet of the seasonal highwater table is prohibited under this permit. The requirements and conditions in KPB 21.29.050 apply to
 a Type I Endorsement.
 - Type II Endorsement Earth Materials Conditioning or Processing. A Type II Endorsement is required for any operation that includes earth materials conditioning or processing activities. Processing does not include consolidated material initial fracturing. The conditions in KPB 21.29.050 and KPB 21.29.055 apply to a Type II Endorsement.

- 3. Type III Endorsement Earth Materials Extraction Within Water Table. A Type III Endorsement is required for operations of any size that excavate or extract earth materials within two feet of the seasonal high-water table. The requirements and conditions in KPB 21.29.050 and KPB 21.29.057 apply to a Type III Endorsement. If the application includes earth materials conditioning or processing activities, then the requirements and conditions in KPB 21.29.055 apply.
- 4. Type IV Endorsement Consolidated Material Extraction. A Type IV Endorsement is required for operations of any size that will require extraction of consolidated material. The requirements and conditions in KPB 21.29.050 and KPB 21.29.057 apply to a Type IV Endorsement.

An applicant may request a CLUP that includes one, two, three or all four of the above endorsements. A CLUP is valid for a period of five years. A CLUP may be renewed in accordance with KPB 21.29.070. The provisions of KPB Chapter 21.25 are applicable to material site CLUPs and the provisions of KPB 21.25 and 21.29 are to be read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling.

(Ord. No. 2024-11, § 1, 6-18-24; Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.030. Application procedure.

- A. In order to obtain a counter permit or CLUP under this chapter, an applicant must first complete and submit to the borough planning department a permit application, along with the fee listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application must include the following items, without which the application will be deemed incomplete:
 - 1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
 - 2. Expected life span of the material site;
 - A buffer plan consistent with KPB 21.29.050(A)(1);
 - 4. Reclamation plan consistent with KPB 21.29.060;
 - 5. The depth of excavation;
 - 6. Type of material to be extracted;
 - 7. A site map provided by a professional surveyor licensed in the State of Alaska to include the following:
 - a. Location and elevation of test holes, and depth of groundwater, based on the seasonal highwater table. At least one test hole per ten acres of excavated area is required. The test holes must be at least two feet below the proposed lowest elevation of excavation depth. Depth of groundwater may also be established by a civil engineer licensed in the State of Alaska using professionally-accepted methods and data.
 - b. Location of all private wells of adjacent property owners within 300 feet of the proposed parcel boundary;
 - c. Identification of all encumbrances, including but not limited to, easements;
 - d. Points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to submitting the application;
 - e. Identify and label all drainage features entering and exiting the property;

- f. Location of any water body on the parcel, including the location of any riparian wetland as determined by best available data;
- g. North arrow;
- h. The scale to which the site plan is drawn;
- i. Preparer's name and date; and
- j. Field verification must include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious or staking is unnecessary.
- 8. A site plan is required by a civil engineer licensed in the State of Alaska. The site plan must include the following:
 - a. Surface water protection measures, if any, for adjacent properties, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence;
 - b. Location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - c. Proposed buffers consistent with KPB 21.29.050(A)(1), or alternate buffer plan;
 - d. Anticipated haul routes;
 - e. Location of any processing areas on the parcel, if applicable; and
 - f. Ground water protection measures for anadromous waters, especially with regard to juvenile salmon, as identified by shallow groundwater flow paths and critical areas of aquifer connectivity, such as recharge, where this information is available.
- 9. A statement by the operator of the site that the requirements of KPB 21.29.045 have been satisfied.
- B. In order to aid the planning commission or planning director's decision-making process, the planning director may provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.
- C. For Type IV Endorsements the CLUP application must include plans for material fracturing schedule, drilling schedule, affected person notifications, and blast overpressure mitigation plans.

21.29.040. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise and other impacts of earth materials extraction sites through setbacks, buffer zones, street-level visual screening, and protection of anadromous waters. Prior to granting a counter permit or conditional land use permit under this chapter, the planning director or planning commission, as applicable, must make the following findings:
 - 1. That the use is not inconsistent with the applicable comprehensive plan;
 - 2. That the use will not be harmful to the public's health, safety, and general welfare, or the health of anadromous;

- 3. That sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths, are being provided consistent with this chapter; and
- 4. That the use provides for a reclamation plan consistent with this chapter.

21.29.045. Required compliance with State and Federal laws

- A. All applicants for permits for earth materials extraction are required to demonstrate compliance with state and federal law. Prior to final approval of the permit, the applicant or agent must provide written documentation from the permitting agency of compliance with the following:
 - 1. An Alaska Department of Natural Resources (ADNR) temporary use authorization if the applicant intends for water to leave the site. If water leaves the side, the applicant must adhere to the provisions of the ADNR temporary water use authorization;
 - 2. Mining permit as required by ADNR if extraction activities are to take place on state land;
 - 3. Reclamation plan as required by ADNR, pursuant to A.S. 27.19;
 - 4. Notice of intent for construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Department of Environmental Conservation (DEC) pursuant to the Alaska Pollutant Discharge Elimination System (APDES) requirements;
 - 5. United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval; and
 - 6. Any other applicable state or federal agency with regulatory authority of mining activities or earth materials extraction.
- B. In addition to the requirements in subsection (A) of this section, all activity must be conducted in compliance with state or federal regulations governing the items listed below. Written documentation of compliance with these regulations is not required. Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement, this includes but is not limited to:
 - 1. Air quality.
 - a. EPA air quality control permit is required for asphalt plants and crushers;
 - b. ADNR burn permit is required for brush or stump burning. Combustibles must be stockpiled separate from noncombustibles, and burn permit requirements must be followed; and
 - c. ADEC dust control and air quality regulations pertaining to burning activities must be followed.
 - 2. Water quality. EPA or ADEC regulations controlling spills, spill reporting, storage and disposal of oil, anti-freeze and hydrocarbons.
 - 3. Hazardous Materials. Use and storage of hazardous materials, waste and explosives.
 - a. EPA regulations controlling use of hazardous materials must be followed; and
 - b. U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives regulations must be followed when storing or using explosives.

C. Failure to comply with any of the requirements in subsections (A) and (B) of this section is a violation of the permit, and is subject to enforcement pursuant to KPB Chapter 21.50.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.050. Permit conditions applicable to all permits.

A. The planning commission may require additional conditions for Type IV Endorsement sites. 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.

- a. A minimum 30-foot buffer zone must be established between the area of excavation and the parcel boundaries. The buffer zone must provide street-level, dust, and noise screening. The buffer zone may include one of the following: a six-foot earthen berm with a 2:1 slope; a minimum six-foot sight-obscured fence; or an alternative buffer proposal that the planning commission or planning director, as applicable, deems appropriate. Site-specific slope requirements will be established for CLUPs with Type IV Endorsements. There is no requirement to buffer the material site from uses which commence after the approval of the permit. Berms may not alter natural drainage features;
- b. Where an easement exists, a buffer must not overlap the easement, unless otherwise conditioned by the planning commission or planning director, as applicable; and
- c. This requirement may be waived upon a finding by the planning director or planning commission, as applicable, that a lot line where the waiver is requested is directly adjoining another material site or industrial use.
- d. Geographic Information System (GIS), Photogrammetry, LIDAR, and other technologies may be utilized in the design of the buffer zone. Using this technology, line-of-site profile drawings may be utilized in the determination of sufficiency of the buffer zone.
- e. At its discretion the planning director or planning commission (as applicable) may waive or reduce buffer requirements when screening proves to be not necessary or not feasible.
- 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.

2. Water source separation.

- a. Material extraction below or within two feet of the seasonal high-water table is prohibited unless the applicant is issued a Type III Endorsement and the requirements and conditions in KPB 21.29.057 are satisfied;
- b. Offsite excavation dewatering is prohibited;
- c. All permits will be issued with a condition which prohibits any material extraction within 100 linear feet of any water source as defined in KPB 21.29.130 existing prior to original permit

- issuance. This subsection may not be construed to limit tidewater material harvesting operations from saltwater sources conducted under a Type IV Endorsement;
- d. On site movement of water may be permitted pursuant to KPB 21.29.057 if: (i) the operator provides a statement under seal and supporting data from a qualified independent civil engineer licensed and active in the State of Alaska that the dewatering will not lower any known water systems; and (ii) the applicant posts a bond for liability for potential accrued damages in an amount equivalent to the cost to replace each water wells within a 300-foot radius of the site. The rebuttable presumption is that the cost per well is a minimum of \$10,000.
- e. Site-specific water source separation conditions will be established for CLUPS with Type IV endorsements, including for tidewater material harvesting operations from saltwater sources;
- 3. *Roads*. Operations that impact borough roads must be conducted in accordance with the requirements and remedies of KPB Chapter 14.40.
- 4. *Dust control.* Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
- 5. Hours of operation. Material extraction activities, including equipment operation and consolidated material drilling or fracturing, may only occur between the hours of 6:00 a.m. and 9:00 p.m. Alaska Standard Time (AKST), or as determined by the planning commission or director, as applicable, to be appropriate based upon information presented.
 - a. *Project-based waiver*. An applicant may request a seasonal, project-based waiver of the hours of operation requirements under this subsection. A waiver granted under this subsection is valid for up to six consecutive calendar months. To grant a waiver under this subsection, the commission must find that the waiver is necessary for a specific project, and that the waiver is not harmful to the public health, safety, and general welfare of borough residents.
- 6. *Groundwater elevation.* All material sites must maintain one monitoring well two feet below the proposed excavation per ten acres of excavated area.
- 7. *Setback.* Material site excavation areas must be 250 feet from the property boundaries of any existing public school ground, private school ground, college campus, licensed childcare facility, multi-purpose senior center, assisted living home, and licensed health care facility.
- 8. *Permit boundaries*. The buffers and any easements or rights-of-way abutting the proposed permit area must be staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.
- Processing. Material extraction of any size that includes processing, screening, or crushing activities is prohibited unless the applicant is issued a Type II CLUP and the conditions in KPB 21.29.055 are imposed on the permit.
- 10. Fuel storage. Double-walled fuel storage tanks are allowed for secondary containment.
- B. Site specific 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:
 - Setbacks/Buffer area.
 - The mandatory buffer area condition in subsection (A) above may be increased, up to a maximum of 100 feet between the area of excavation and the parcel boundaries, and include a combination of appropriate buffers, if the planning commission finds, based on substantial evidence presented, that increasing the buffer area is necessary for the public health, welfare and safety of the vicinity;

- i. An earthen berm with a minimum 2:1 slope may be required. The berm height will be determined by the planning commission or planning director, as applicable, and constructed above preexisting elevation around the excavation area. As the excavation area expands, the berm will move toward negatively-impacted properties in the vicinity until such limits of the permitted area are exhausted. The berm must be maintained at the predetermined height while permitted activity is occurring. This earthen berm may be in addition to other buffer zone conditions imposed upon the permit.
- b. All other requirements of KPB 21.29.050(A)(1) apply; and
- c. When a buffer area has been denuded less than a year prior to review of the application by the planning commission or planning director revegetation may be required.
- 2. *Road repair.* In consultation with the Road Service Area Director, repair of public right-of-way haul routes may be required of the permittee.
- 3. Ingress and egress. The planning commission or planning director may suggest the points of ingress and egress for the material site. The permittee is not required to construct haul routes outside the parcel boundaries of the material site. Driveway authorization must be acquired, from either the state through an "Approval to Construct" or the borough road service area, as appropriate, prior to issuance of a material site permit when accessing a public right-of-way.
- 4. Surface and ground water protection. Use of surface and ground water protection measures as specified in KPB 21.29.030(A)(8)(a).
- 5. *Street-level screening.* Street-level visual screening, noise mitigation, and lighting restrictions as appropriate for the surrounding area and in accordance with the standards set forth in KPB 21.29.040.
- 6. Noise suppression. At the discretion of the planning commission or planning director, as applicable, multi-frequency (white noise) back-up alarms may be required on all equipment and vehicles that have existing state or federal back-up alarm requirements as a condition to help meet the noise impact standard in accordance with and in consideration of existing uses in the vicinity.
- 7. Special impacts zone (SIZ).
 - a. The screening of adverse, noise, dust, or other impacts 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, noise, dust, or other impacts that cannot be screened as set forth in Subsection 7(a) within 500 horizontal feet of an existing principle residential structure may be grounds for denial. For Type 1, 2, and 3 Endorsements, noise, dust, or other impacts that cannot be screened as set forth in Subsection 7(a) within 1000 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 permitted area.
- 8. Public campgrounds. From the last Monday of May through the first Monday of September each year, for operations within 1,000 feet of a campsite within a public campground, the following limitations to operations may be applied:
 - (a) hours of operation limited to 9:00 am to 6:00 pm;

- (b) no excavation, processing, or hauling activity allowed over the Memorial Day and preceding weekend, Independence Day, or Labor Day and preceding weekend; or
- (c) if a proposed haul route conflicts with a public campground entrance road, then the planning commission or planning director, as applicable, may designate the haul route to be used, with exceptions allowed for local delivery.

The 1,000-foot distance will be measured from any campsite of the public campground to the outer boundary of the permitted area for which an applicant has requested a counter permit or conditional land use permit under this chapter.

(Ord. No. 2024-11, § 1, 6-18-24; Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.055. Type II Endorsement—Earth materials processing.

In accordance with KPB 21.29.020(B)(2), a Type II Endorsement is required for earth materials conditioning or processing activities. Prior to issuing a permit under this subsection, the planning commission must impose the mandatory conditions in KPB 21.29.050(A) and discretionary conditions as the planning commission deems appropriate. In addition, the following requirements and permit conditions specific to Type II CLUP apply:

- A. Setback. Equipment which conditions or crushes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.
- B. Hours of operation.
 - 1. Earth materials crushing equipment and blasting may only be operated between 8:00 a.m. and 7:00 p.m. AKST, or as determined by the planning commission.
 - 2. The planning commission may grant exceptions to increase the hours of operation and processing in the event of an emergency or a good-cause finding that the increased hours of operation serve a public purpose and are not harmful to the public health, safety, and general welfare of borough residents. Such an exception may not exceed 120 days.
 - 3. Seasonal, project-based waiver. An applicant may request a seasonal, project-based waiver of the hours of operation requirements under this section. A waiver granted under this subsection is valid for six consecutive calendar months. To grant a waiver under this subsection, the commission must find that the waiver is necessary for a specific project, and that the waiver is not harmful to the public health, safety, and general welfare of borough residents.
- C. Onsite retention of settling pond water is allowed, including for the washing of materials, provided that the settling pond is not created by channeling or redirecting natural water bodies or natural drainage. Notwithstanding, if a settling pond is within two feet of the seasonal high water table, then a Type III Endorsement is required.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.057. Type III Endorsement—Material extraction below or within two feet of the seasonal high-water table.

In accordance with KPB 21.29.020(B)(3), a Type III Endorsement is required for material extraction of material below or within two feet of the seasonal high water table. Prior to a permit being issued the planning commission must impose the mandatory conditions set forth in KPB 21.29.050(A) and discretionary conditions as

deemed appropriate. In accordance with KPB 21.29.050(A)(2)(b) dewatering is prohibited. The following additional application requirements and permit conditions specific to a Type III Endorsement apply:

- A. Prior to application for a Type III Endorsement, the following requirements must be met:
 - Installation of a sufficient number of monitoring wells and test pits, as recommended by a qualified professional, to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high-water table elevation Monitoring well and test pit locations must provide the qualified professional with adequate information to characterize the entire property that will be permitted for material extraction. Well casing elevations must be surveyed to a vertical accuracy of 0.01 feet by a registered land surveyor and tied to NAVD 1988.
 - 2. Determination of seasonal high-water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site must be measured under the supervision of a qualified professional.
 - 3. A written report must be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water body elevation, groundwater and surface water quality, surrounding water users and adjacent properties. The determination must be based on available data, interpretations of the data and knowledge of groundwater processes.
 - 4. The report must be submitted with the CLUP application and must:
 - a. Identify existing public water system sources, as identified by the state, that are located within one-half mile of the boundary of the property on which the activity will take place;
 - b. Identify actual or presumed private drinking water wells located within one-half mile of the boundary of the property on which the activity will take place and include a copy of the available well logs;
 - c. Identify existing regulated potential sources of contamination within at least one-half mile of the boundary of the property on which the activity will take place;
 - d. Contain maps at appropriate scales presenting the results of the well search, the setbacks required by subsection (C)(7) of this section, and illustrating wetlands and water bodies; at least one map must show identified potential sources of contamination;
 - e. Include the water table elevation monitoring data, monitoring well logs and records of any test pits, and a discussion of the seasonal high-water table determination; and
 - f. Evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions must include identifying confining layers and ground water flow paths.
- B. In addition to the application requirements for a Type I Endorsement, the application for a Type III Endorsement must include:
 - A description of the proposed extent and depth of material extraction beneath the seasonal highwater table.
 - 2. A written report that meets the requirements of subsection (A)(4) of this section, a monitoring plan, and a spill prevention, control, and countermeasures plan as required by this section.
- C. *Conditions.* In addition to the requirements of KPB 21.29.050, operating conditions for extraction within or below two feet of the seasonal high-water table are as follows:
 - 1. Implement a monitoring plan that meets the requirements of this chapter. If existing wells will provide sufficient data, no additional wells are required.

- 2. Implement the spill prevention, control and countermeasures plan in accordance with Environmental Protection Agency's requirements for above ground storage tank operations regardless of the quantity of petroleum products on site.
- 3. Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel must be measured at least monthly during active extraction. Monitoring wells must be maintained or replaced with equivalent monitoring wells.
- 4. Water elevation monitoring data must be retained for two years following completion of reclamation activities and must be provided to the planning director upon request.
- 5. Operations must not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer.
 - a. If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the director must be notified within 24 hours.
 - i. A hydrologic assessment, conducted by a qualified professional, to determine the affected area and the nature and degree of effects and a description of potential repair or mitigation options must be submitted to the director within 14 calendar days of notification; and
 - Repair or mitigation sufficient to address identified effects must be initiated as soon as practical, not to exceed 45 calendar days from the date the assessment is received by the director.
- 6. Operations must maintain the following setbacks:
 - a. 500 feet from the nearest down-gradient drinking water source;
 - b. 350 feet from the nearest cross-gradient drinking water source;
 - c. 200 feet from the nearest up-gradient drinking water source; and
 - d. Minimum separation distances do not apply to drinking water sources constructed after a permit to extract material below the water table has been issued.
- 7. The planning commission will establish site-specific conditions for material extraction in the water table for CLUPs with Type IV Endorsements as appropriate.

21.29.060. Reclamation plan.

- A. All material site permit applications require an overall reclamation plan. A site plan for reclamation must be required including a scaled drawing with finished contours. A five-year reclamation plan must be submitted with a permit renewal request.
- B. The applicant may revegetate and must reclaim all disturbed land within the time period approved with the reclamation plan so as to leave the land in a stable condition wherein a 2:1 slope is maintained. Any revegetation must be done with a non-invasive plant species. Revegetation may not be required for sites with Type IV Endorsements only. Bonding must be required at \$750.00 per acre for all acreage included in the current five-year reclamation plan. In the alternative, the planning director may accept a qualified professional's estimate for determining the amount of bonding. If the applicant is bonded with the state, the borough's bonding requirement is waived. Compliance with reclamation plans will be enforced under KPB 21.50.

- C. The following measures must be considered in the preparation, approval and implementation of the reclamation plan, although not all will be applicable to every reclamation plan:
 - 1. The area will be backfilled, graded and re-contoured using strippings, overburden, and topsoil so that it will be stabilized to a condition that will allow for revegetation under KPB 21.29.060(B).
 - 2. The topsoil used for reclamation must be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by an independent, professional civil engineer licensed and active in the State of Alaska.
 - 3. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation must be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
 - 4. Topsoil mine operations must ensure a minimum of four inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
 - 5. Ponding may be used as a reclamation method as approved by the planning commission.
 - 6. The area will be reclaimed in a manner that is not harmful to public health, safety, and general welfare.
 - 7. Mitigation provisions may be required for steep-slope Type IV Endorsement site reclamation plans.
- D. The five-year reclamation plan must describe the total acreage to be reclaimed relative to the total excavation plan. The five-year reclamation plan must also identify any drainage features which enter or exit the property.
- E. Close-out. Reclamation plans and requirements survive expiration, termination, or revocation of a permit granted under this chapter. In order to close-out a permit, the planning director must be provided adequate proof that reclamation has been conducted in accordance with the reclamation plan. If a permit expires, terminates, or is revoked prior to permit close-out, the remedies under KPB 21.50 apply and the planning director may hold applicable fines and remedies in abeyance upon a finding that reclamation is actively ongoing.

21.29.063. Decision.

The planning commission or planning director, as applicable, will approve permit applications whereby standards under KPB 21.29.040 have been met through implementation of conditions set forth in KPB 21.29.050, KPB 21.29.055, and KPB 21.29.057 or will deny applications when the application does not meet the standards in KPB 21.29.040. The decision will include written findings detailing how the conditions under KPB 21.29.050, KPB 21.29.055, and KPB 21.29.057 meet, or do not meet the standards set forth in KPB 21.29.040 and evidence to support those findings. The decision must be distributed to the parties of record before the planning commission, with notice of right to appeal.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.065. Effect of permit denial.

A. Absent new evidence or a material change in circumstances that even with due diligence the applicant could not have presented with the original application, no reapplication concerning the same counter permit application may be filed within one calendar year of the date of the planning director's final denial action.

- B. Absent new evidence or a material change in circumstances that even with due diligence the applicant could not have presented with the original application, no reapplication concerning the same CLUP may be filed within three calendar years of the date of the final denial action.
- C. For the purposes of this section, the applicant bears the burden of proof of demonstrating that new evidence or a material change of circumstances exist and that even with due diligence the applicant could not have presented the information with the original application.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.070. Permit renewal, modification and revocation.

- A. Conditional land use permittees must submit a renewal application every five years after the permit is issued. A renewal application must be submitted at least 90 days prior to expiration of the CLUP.
- B. The planning director may administratively approve a renewal application that meets the following requirements: (i) the permittee is in compliance with all permit conditions and no modification to operations or conditions are proposed; and (ii) the borough did not issue a notice of violation under the permit during the calendar year preceding the renewal application. If the renewal application does not satisfy the foregoing requirements or if the planning director determines a review by the planning commission is warranted, then the planning commission will hear the renewal application.
- C. In the event the renewal application is heard by the planning commission, the planning commission must hold a public hearing on the renewal application. If the applicant is complying with all permit conditions and requirements and is not in violation of borough code, then the renewal must be granted by the planning commission. Notwithstanding the foregoing, if the commission determines, after public hearing, that discretionary conditions are appropriate on renewal then the commission may modify the CLUP by imposing conditions as deemed appropriate under the circumstances. Permit renewal applications will be denied if the permittee is in violation of the original permit requirements and conditions or borough code. The permittee will be given ninety days to correct any violations. If the violations are corrected, the permit will be renewed. A renewal application heard by the planning commission must be processed in accordance with the notice requirements of KPB 21.25.060.
- D. A permittee may request a modification of a CLUP or counter permit, as needed. A modification application will be processed pursuant to KPB 21.29.030 through KPB 21.29.050 with public notice given as provided by KPB 21.25.060. A permit modification is required if the permittee's operations are no longer consistent with the original permit application.
- E. The fee for a permit renewal or modification is the same as an original permit application in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.
- F. Failure to submit a permit renewal will result in the expiration of the permit. The borough may issue a permit termination document upon expiration pursuant to KPB 21.29.080. Once a permit has expired, a new permit application approval process is required in order to operate the material site.
- G. Permits may be revoked pursuant to KPB 21.50.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.080. Permit close-out.

When a permit expires, is revoked, or a permittee requests close-out of their permit, a review of permit conditions and site inspections will be conducted by the planning department to ensure code compliance and verify site reclamation prior to close-out. When the planning director determines that a site qualifies for close-out,

a permit close-out document will be issued to the permittee to terminate the permit and associated requirements. Reclamation plans and requirements survive permit expiration and revocation. The planning director is only authorized to close-out a permit following reclamation. A permit close-out determination shall release any bonding associated with the permit.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.100. Recordation.

All permits, permit extensions, modified permits, prior existing uses, and terminations will be recorded. Failure to record a material site document does not affect the validity of the documents. The borough will use funds from the application fee to pay the permit recording fees.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.110. Violations.

Violations of this chapter are governed by KPB 21.50 and this chapter.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.115. Permit transfers.

A permit issued under this chapter is transferrable. The planning director will issue a conditional letter of approval upon receipt of a written permit transfer request containing the legal description of the parcel, former owner name, new owner name, and a copy of the approved permit or the legal PEU status and after a site visit. A conditional approval will not be issued if a permittee is in violation of the original permit requirements, conditions, or borough code. A transferring permittee will be given ninety days to correct violations. If the permittee fails to correct the violations within ninety days, the planning director will issue a denial letter. If a permittee is not in violation or if violations are cured within 90 days' notice, the planning director will issue a final letter of approval upon receipt of a recorded conveyance instrument listing the new owner. The requesting party may appeal a denial letter to the planning commission. Permit transfer approvals are not subject to administrative appeal.

(Ord. No. 2022-36, Sub., § 3, 10-10-2023)

21.29.120. Prior-existing uses.

- A. Recognized status. A prior existing use (PEU) is a use that existed prior to May 21, 1996, and still in effect as of October 1, 2024. A PEU is recognized and is allowed to continue operation subject to the requirements of this section. A permitted material site is not considered a prior existing use.
- B. Classification. The planning department will review PEUs to determine the established use by classifying a PEU based upon the use types set forth in KPB 21.29.020, and provide a written description of the existing operations and classification determination. The PEU classification determination is only for the use that was established prior to October 1, 2024. The classification determination runs with the land and applies to the entire parcel or lot. The PEU classification determination must state whether or not the PEU is within the water table. The planning director's decision will also set forth the reclamation plan as required by subsection (D) below. The planning director's decision may be appealed by the applicant to the planning commission within 15 days of distribution of the decision. If a parcel is subdivided, the PEU may not be expanded to any lot, tract, or parcel where material extraction or processing had not previously occurred or was not lawfully established in accordance with this section.

- C. Discontinuance. Any PEU which has ceased by discontinuance for an uninterrupted period of five years must thereafter conform to the permit requirements of this chapter. Lack of intent to cease use or abandon the use does not suspend the five-year time period. If a prior-existing use is discontinued or abandoned, it may not be recommenced. Any activity such as extraction, excavation, processing, or reclamation is considered valid and a continuance of site use. The planning director will determine in writing whether a PEU has ceased by discontinuance. The planning director's decision may be appealed to the planning commission within 15 days of distribution of the decision.
- D. In accordance with 21.29.015, on or before January 1, 2026, all legal PEU extraction operations must comply with KPB 21.29.060 (reclamation plan) and applicable hours of operation requirements under this chapter. The planning director may waive or modify any or all of the reclamation plan requirements set forth in KPB 21.29.060 as appropriate.
- E. PEU provisions are not applicable for Type IV Endorsement sites.

21.29.130. Definitions.

- A. Unless the context requires otherwise, the following definitions apply to material site permits and activities:
 - 1. Abandon means to cease or discontinue a use without intent to resume, but excluding short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure. An "intent to resume" can be shown through continuous operation of a portion of the facility, maintenance of utilities, or outside proof of continuance, e.g., bills of lading or delivery records. Abandonment also means the cessation of use, regardless of voluntariness, for a specified period of time.
 - 2. Aggrieved Party means a party of record adversely impacted by the decision of the hearing officer who participated before the hearing officer either by written or oral presentation.
 - 3. Aquifer means a subsurface formation that contains sufficient water-saturated permeable material to yield economical quantities of water to wells and springs.
 - 4. Aquifer-confining layer means that layer of relatively impermeable soil below an aquifer, typically clay, which confines water.
 - 5. *Assisted-living home* means a residential facility to which AS 47.33 applies, as described in AS 47.33.010.
 - 6. *Camp* or *camping* means to use a vehicle, tent, or shelter, or to arrange bedding, or both, with the intent to stay overnight.
 - 7. Campsite means any space designated for camping within a public campground.
 - 8. *Commercial* means any provision of services, sale of goods, or use operated for production of income whether or not income is derived, including sales, barter, rental, or trade of goods and services.
 - 9. Conditioning or processing material means a value-added process including batch plants, asphalt plants, screening, blasting, washing, the use of mechanical hammers, and crushing by use of machinery. It does not include stripping and segregation with excavation equipment.
 - 10. *Consolidated material* means solid rock that must be fractured by blasting, hammering or other means for removal and handling.
 - 11. *Earthen berm* means a berm constructed of aggregate or soil not to contain slash or brush that maintains a 2:1 slop. The berm is to be constructed above the preexisting elevation.

- 12. *Exhausted* means that all material of a commercial quality in a sand, gravel, or material site has been removed.
- Groundwater means, in the broadest sense, all subsurface water, more commonly that part of the subsurface water in the saturated zone.
- 14. *Inactive site walls* mean a wall with a slope steeper than 1.5:1 where there has been no exaction activity for 180 consecutive days.
- 15. Isolated pond means no surface water inlet or outlet is present at any time of the year.
- 16. *Person* includes any individual, firm, partnership, association, corporation, cooperative, or state or local government.
- 17. *Public campground* means an area, developed and maintained by a public entity, that is open to the public and contains one or more campsites.
- 18. *Qualified professional* means a licensed professional engineer, hydrologist, hydrogeologist, or other similarly-licensed professional.
- 19. Quarter or Quarterly means January through March, April through June, July through September, or October through December;
- 20. *Reclamation* means the process of restoring land that has been mined to a natural or economically-usable state in order to meet a variety of goals ranging from the restoration of productive ecosystems to the creation of industrial and municipal resources.
- 21. Sand, gravel or material site means an area used for extracting, quarrying, or conditioning gravel or substances from the ground that are not subject to permits through the state location (mining claim) system (e.g., gold, silver, and other metals), nor energy minerals including but not limited to coal, oil, and gas.
- 22. Seasonal high groundwater table means the highest level to which the groundwater rises on an annual basis.
- 23. Stable condition means the rehabilitation, where feasible, of the physical environment of the site to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time by natural processes.
- 24. *Surface water* means water on the earth's surface exposed to the atmosphere such as rivers, lakes, and creeks.
- 25. Topsoil means material suitable for vegetative growth.
- 26. *Unconsolidated material* means sand, gravel, clay, silt, gravel, cobble and boulders that can be produced and used without fracturing for extraction or any blasting.
- 27. Vicinity means 1,000 linear feet from permitted boundary.
- 28. *Waterbody* means any lake, pond, stream, riparian wetland, or groundwater into which stormwater runoff is directed.
- 29. Water source means a well, spring or other similar source that provides water for human consumptive use.



Planning Department

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KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

November 19, 2025

Public notice is hereby given that a Conditional Land Use Permit (CLUP) application has been received to develop a material site (gravel pit) on a property located in the Sterling area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within 1,000-feet of the subject property, and are invited to provide comment at the below public hearing.

Applicant: COLASKA INC DBA QAP

Landowner: COLASKA INC Parcel Number(s): 06304702

Legal Description: T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4

SW1/4 & SW1/4 NW1/4 SW1/4

Address: 36780 ROBINSON LOOP RD

Public Hearing:

Date and Time: Monday, December 8, 2025 at 7:30 p.m.

Location: Kenai Peninsula Borough

Betty Glick Assembly Chambers 144 N. Binkley, Soldotna, AK 99669

Zoom Meeting ID: 907 714 2200

Zoom Link: https://us06web.zoom.us/j/9077142200 **Telephonic:** 1-888-788-0099 or 1-877-853-5247

Special Impact Zone: Landowners with a primary residence within 1,000 horizontal feet of a material site are located in an area called the Special Impact Zone. Residents in this zone may request that the material site implement screening methods that are objective, measurable, and within the overall regulatory limits of KPB 21.29, by providing substantial evidence to support the request.

<u>Public Comment:</u> You may provide verbal comment at the above hearing. You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be** received by Friday, December 5, 2025. Note that any party of record, as defined by KPB 21.20.210, may appeal the Planning Commission's decision within 15 days of the *Notice of Decision* under the provisions of KPB 21.20.

The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.

Ryan Raidmae Planner





Parcels Within 1,000-feet of Proposed CLUP

