

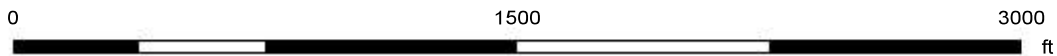
E. NEW BUSINESS

4. Conditional Land Use Permit; MS2015-005

Applicant: Sean Cude

Request: Modification to PC Resolution 2014-20 to allow excavation into the water table and for temporary localized dewatering.

**Location: 36498 Virginia Drive
Kalifornsky Area**



SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

Project Description:

Vicinity: Kalifornsky



Map created by Raidmae, Ryan
Friday, August 16, 2024

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):

05527001

River Miles



Tax Parcels



Material Sites

PEU

CLUP

EXPIRED

Local Option Zones





Ownership Map

SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

River Miles



Parcel Ownership Type

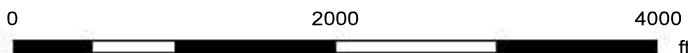
Parcel Ownership

- Borough
- Federal
- Native
- Municipal
- Private
- State



Map created by Raidmae, Ryan

Friday, August 16, 2024



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.



Terrain Map

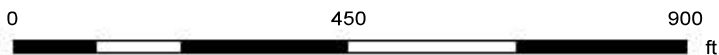
SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

Tax Parcels





Wetlands Map

SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

River Miles



Tax Parcels



Landcover Features

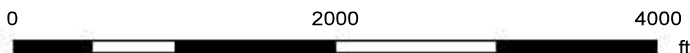
KWF Wetlands Assessment

- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex



Map created by Raidmae, Ryan

Friday, August 16, 2024



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.



Habitat Protection Area Map

SBC 2012 Irrevocable
Trust LLC

Project Area

KPB Parcel(s):

05527001

River Miles



Tax Parcels



Habitat

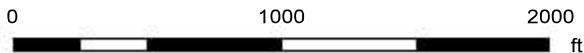
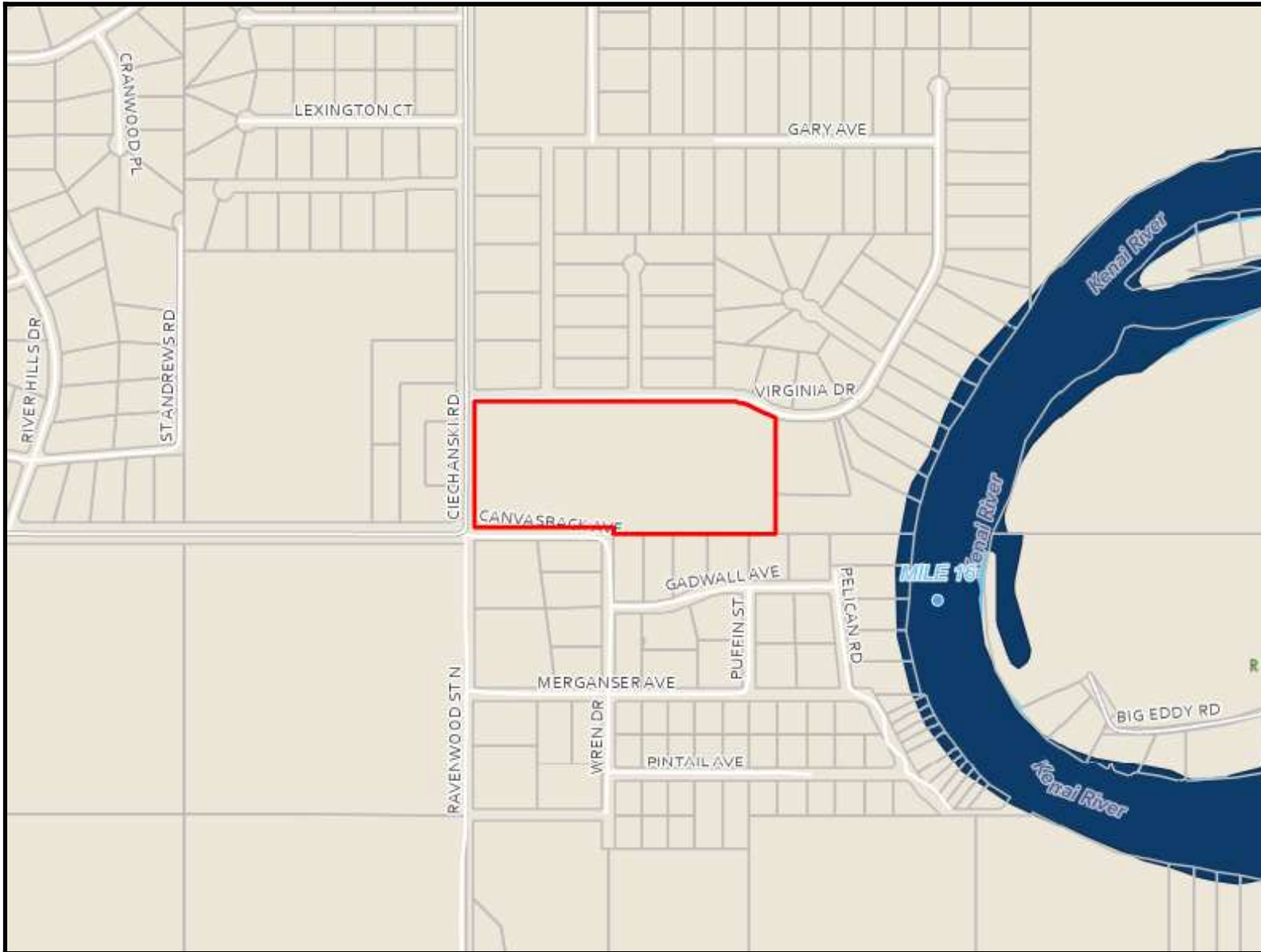
KPB 2118 - KPB 2118 Districts

KPB 2118 - KPB 2118 Anadromous
Streams

- Exempt
- Managed
- Unregulated
- others

KPB 2118 - KPB 2118 Anadromous
Lakes and Areas

- Exempt
- Managed
- Unregulated
- n/a



KPB 21.29

Conditional Land Use Permit Application

For a new or modified Sand, Gravel or Material Site

I. APPLICANT INFORMATION New Modification

Applicant SBC 2012 Irrevocable Trust LLC Landowner SBC 2012 Irrevocable Trust LLC
Address 42115 Kalifornsky Beach Road Ste B Address 42115 Kalifornsky Beach Road Ste B
City, State, Zip Soldotna Alaska 99669 City, State, Zip Soldotna Alaska 99669
Telephone 907-262-5761 Cell 907-398-7375 Telephone 907-262-5761 Cell 907-398-7375
Email sean@sbcdevelopmentgroup.com Email sean@sbcdevelopmentgroup.com

II. PARCEL INFORMATION

KPB Tax Parcel ID# 05527001 Legal Description T5N R11W Section 24 SM KN2015-012
Diamond Willow Estates Subdivision Part 13 Tract 13

If permit is not for entire parcel, describe specific location within parcel to be material site, e.g.; "N1/2 SW1/4 NE1/4 – 10 acres", or "5 acres in center of parcel".

modification to 8.8 acres of the currently permitted area


III. APPLICATION INFORMATION "Check" boxes below to indicate items included.

- \$1,000.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)
- Site Plan, to scale, prepared by a professional surveyor (licensed and registered in Alaska) showing, where applicable:
- | | |
|--|--|
| <input type="checkbox"/> parcel boundaries | <input type="checkbox"/> location/depth of testholes, and depth to groundwater, if encountered |
| <input type="checkbox"/> location of boundary stakes within 300 ft. of excavation area (to be in place at time of application) | <input type="checkbox"/> location of all wells within 300 ft. of parcel boundary |
| <input type="checkbox"/> proposed buffers, or requested buffer waiver(s) | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands |
| <input type="checkbox"/> proposed extraction area(s), and acreage to be mined | <input type="checkbox"/> surface water protection measures |
| <input type="checkbox"/> proposed location of processing area(s) | <input type="checkbox"/> north arrow and diagram scale |
| <input type="checkbox"/> all encumbrances, including easements | <input type="checkbox"/> preparer's name, date and seal |
| <input type="checkbox"/> points of ingress and egress | |
| <input type="checkbox"/> anticipated haul routes | |
- Site Plan Worksheet (attached)
- Reclamation Plan (attached) and bond, if required. Bond requirement does not apply to material sites exempt from bonding requirements pursuant to AS 27.19.050

Please Note: If a variance from the conditions of KPB 21.29 is requested, a variance application must be attached. (A variance is NOT the same thing as a waiver.)

IV. CERTIFICATION STATEMENT

The information contained on this form and attachments are true and complete to the best of my knowledge. I grant permission for borough staff to enter onto the property for the purpose of processing the permit application.


Applicant

7/31/24
Date

Landowner (required if not applicant)

Date

Site Plan Worksheet for Conditional Land Use Permit Application

Use additional space provided on next page, if necessary. Indicate item # next to comments.

Applicant SBC 2012 Irrevocable Trust Owner SBC 2012 Irrevocable Trust

KPB Tax Parcel ID # 05527001 Parcel Acreage 19.36

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 19.36 acres
2. Material to be mined (check all that apply): gravel sand peat other(list) _____
3. Equipment to be used (check all that apply): excavation processing other _____
4. Proposed buffers as required by KPB 21.29.050.A.2 (check all types and directions that apply):

- | | | | | | | | | | | | | | | | | | |
|--|---|---------------------------------------|---------------------------------------|---------------------------------------|----------------------------|---------------------------------------|---------------------------------------|----------------------------|---------------------------------------|----------------------------|---------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> 50 ft. of natural or improved vegetation
<input type="checkbox"/> minimum 6 ft. earthen berm
<input type="checkbox"/> minimum 6 ft. fence
<input type="checkbox"/> other _____ | <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> N</td> <td><input type="checkbox"/> S</td> <td><input checked="" type="checkbox"/> E</td> <td><input type="checkbox"/> W</td> </tr> <tr> <td><input checked="" type="checkbox"/> N</td> <td><input checked="" type="checkbox"/> S</td> <td><input type="checkbox"/> E</td> <td><input checked="" type="checkbox"/> W</td> </tr> <tr> <td><input type="checkbox"/> N</td> <td><input checked="" type="checkbox"/> S</td> <td><input type="checkbox"/> E</td> <td><input type="checkbox"/> W</td> </tr> <tr> <td><input type="checkbox"/> N</td> <td><input type="checkbox"/> S</td> <td><input type="checkbox"/> E</td> <td><input type="checkbox"/> W</td> </tr> </table> | <input type="checkbox"/> N | <input type="checkbox"/> S | <input checked="" type="checkbox"/> E | <input type="checkbox"/> W | <input checked="" type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input checked="" type="checkbox"/> W | <input type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W | <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input checked="" type="checkbox"/> E | <input type="checkbox"/> W | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input checked="" type="checkbox"/> W | | | | | | | | | | | | | | |
| <input type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W | | | | | | | | | | | | | | |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W | | | | | | | | | | | | | | |

5. Proposed depth of excavation: 45 (elev. 48) ft. Depth to groundwater: 30 (elev. 66) ft.
6. How was groundwater depth determined? monitor wells
7. A permit modification to enter the water table will be requested in the future: Yes No
8. Approx. annual quantity of material, including overburden, to be mined: <50,000 cubic yards
9. Is parcel intended for subdivision? Yes No
10. Expected life span of site? 20 years
11. If site is to be developed in phases, describe: the excavation acreage, anticipated life span, and reclamation date for each phase: (use additional space on page 4 if necessary)
 As mining above groundwater is complete, excavation below groundwater will begin at the eastern section of the site and move westerly. The slopes will be dressed at 2:1 and portion above ground water will be seeded.
 The intent is to reclaim the property to support at least 2 water front residential lots.
12. Voluntary permit conditions proposed (additional buffers, dust control, limited hours of operation, etc.)
 - A. _____
 - B. _____
 - C. _____

Material Site Reclamation Plan for Conditional Land Use Permit Application

1. All disturbed land shall be reclaimed upon exhausting the material on-site, so as to leave the land in a stable condition.
2. All revegetation shall be done with a "non-invasive" plant species.
3. Total acreage to be reclaimed each year: up to 2 acres
4. List equipment (type and quantity) to be used in reclamation:

Excavator, dozer, loader

5. Describe time schedule of reclamation measures:

Reclamation will be completed annually before the September growing season. In order to minimize erosion, seeding will be applied as necessary each season to the areas that achieve final grade.

6. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every plan – **"check" all that apply to your plan.**

Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.

The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.

Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall 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 a licensed engineer.

Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall 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.

Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).

Ponding will be used as a reclamation method. (Requires approval by the planning commission.)

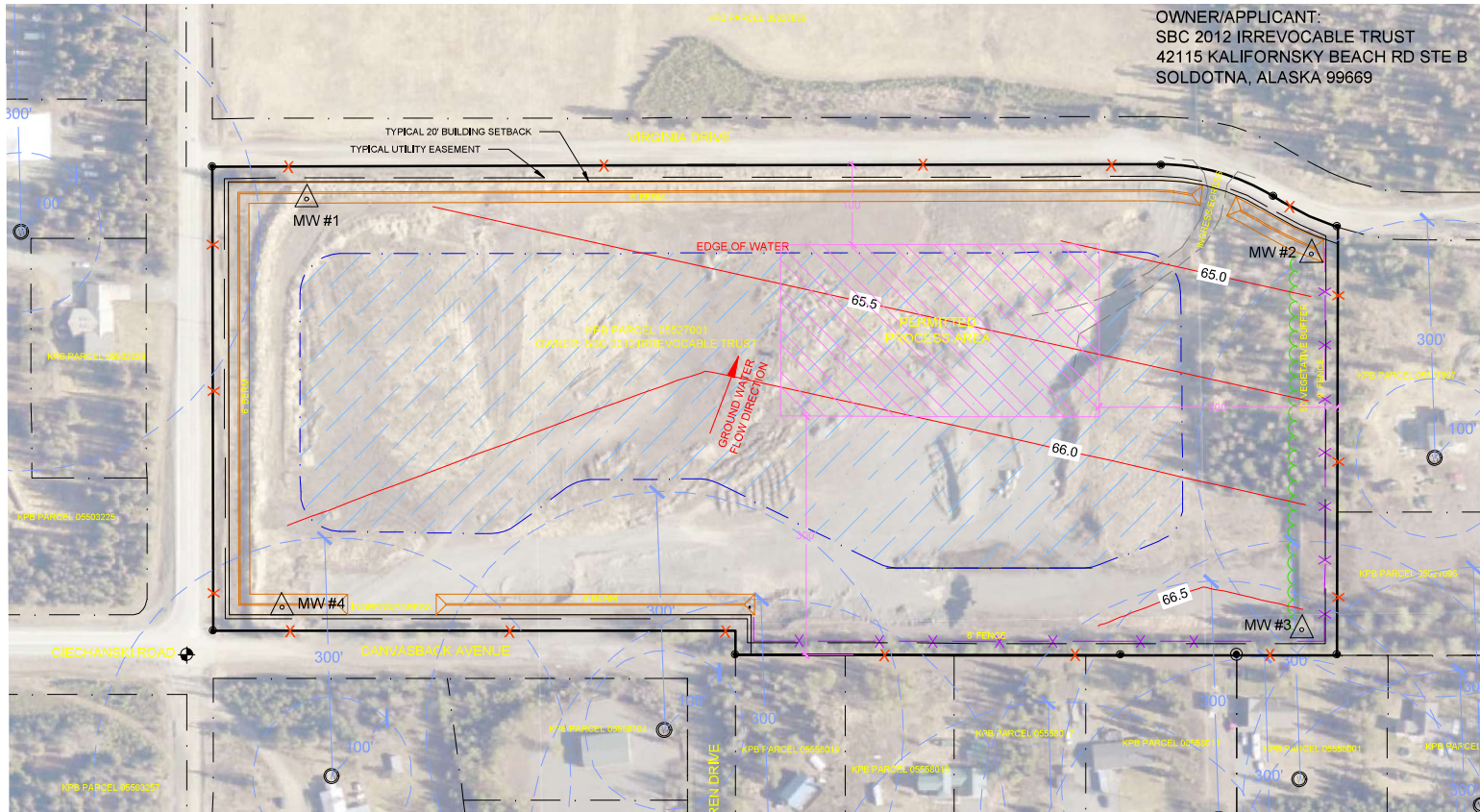
ADDITIONAL APPLICATION COMMENTS

(Please indicate the page and item # for which you are making additional comments.)

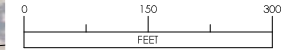
This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering during excavation practices. Dewatering will be intermittent and all waters will be outlet within the same property.

MODIFICATION TO CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

MCLUP



OWNER/APPLICANT:
SBC 2012 IRREVOCABLE TRUST
42115 KALIFORNKY BEACH RD STE B
SOLDOTNA, ALASKA 99669



REV	DATE	DESCRIPTION	BY
1	12/20/2024	MCLUP GROUNDWATER ENTRY	GMD
2			
3	09/20/2024	SURVEYOR STAMP	ANDREW H. HOVEY

DIAMOND WILLOW EST. SUBD PT13 TR13
CONDITIONAL LAND USE PERMIT
MONITOR WELL PLAN

FIELD BOOK NO. 14-18
JOB NO. 22401
FIELD WORK DATE: JULY 12, 2014



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECO.COM

DRAWN BY: GMD
CHECKED BY: GMD
HORZ. SCALE: 1" = 150'
VERT. SCALE: N/A
SHEET: **P1**

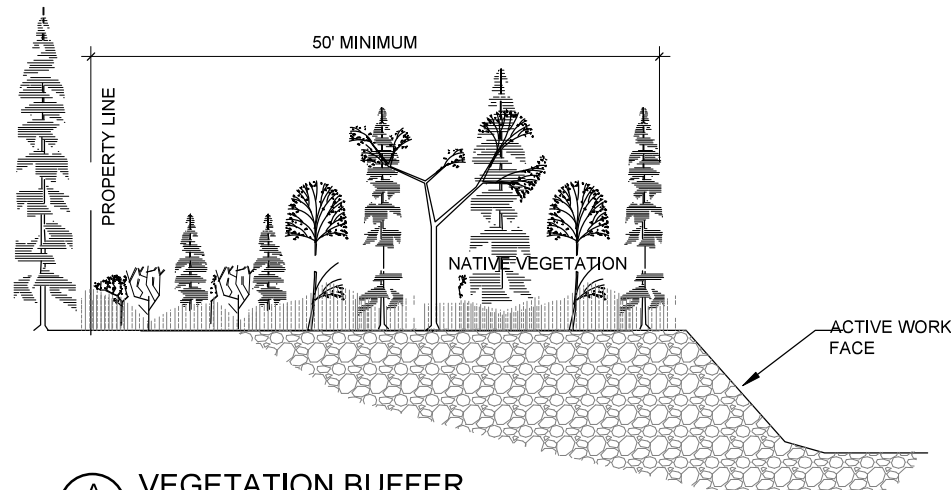
NOTES

1. KPB PARCEL 05527001; T5N R11W SECTION 24 SEWARD MERIDIAN, KN2015012 DIAMOND WILLOW ESTATES SUBDIVISION PART 13 TRACT 13.
2. KPB CONDITIONAL LAND USE PERMIT UNDER RESOLUTION 2014-20.
3. MONITOR WELLS WERE INSTALLED IN AT THE 4 SHOWN LOCATIONS BY KRAXBERGER DRILLING ON MARCH 24, 2023.
4. GROUNDWATER ELEVATIONS HAVE BEEN MONITORED QUARTERLY SINCE APRIL 2023.
5. MONITOR WELLS WILL BE MAINTAINED AND MEASUREMENTS RECORDED FOR THE LIFE OF THE MATERIAL SITE.
6. AREA OF POTENTIAL SURFACE WATER IS SHOWN HEREON AT 8.8 ACRES. NO EXCAVATION WILL TAKE PLACE WITHIN 300' OF THE WATER WELLS IN EXISTENCE AT THE TIME OF THE CLUP.
7. ADJACENT WELLS AT TIME OF CLUP ISSUANCE ARE SHOWN HEREON.
8. SURVEY MONUMENTATION AND BOUNDARY OF TRACT 13, DIAMOND WILLOW ESTATES SUBDIVISION PART 13 (KN2015012) SHOWN HEREON IS DERIVED FROM A FIELD SURVEY CONDUCTED BY MCLANE CONSULTING INC. ON JULY 12, 2014.

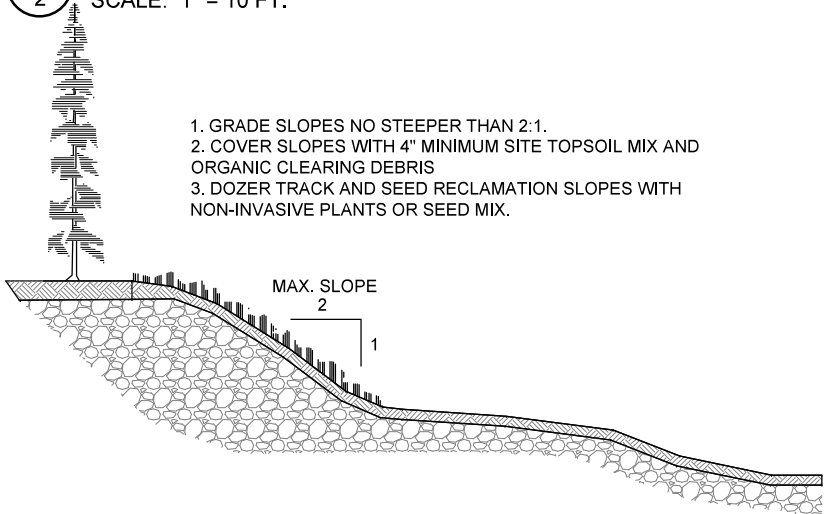
LEGEND

	SURVEY MONUMENT		VEGETATIVE BUFFER
	PROPERTY BOUNDARY		6' BERM
	EXISTING WELL		6' FENCE
	WELL SETBACK		TEST HOLE
	INTERMITTENT FLAGGING		MONITOR WELL
	MAXIMUM EDGE OF WATER ENTRY		POTENTIAL SURFACE WATER
			PERMITTED PROCESSING AREA

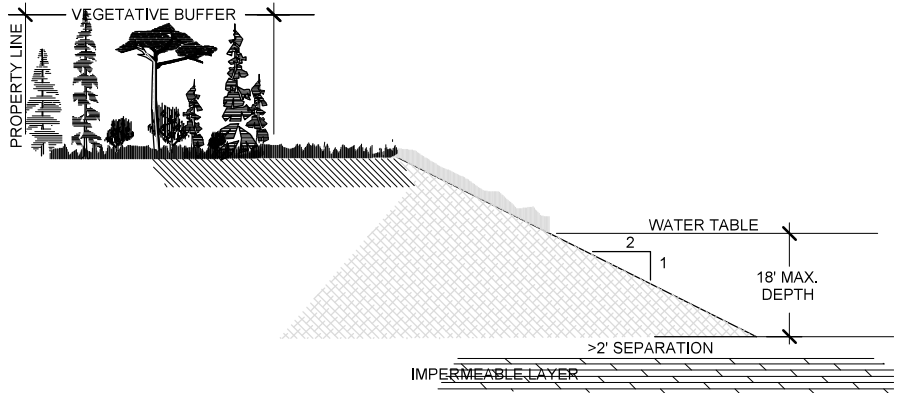
CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE



A VEGETATION BUFFER
2 SCALE: 1" = 10 FT.



B RECLAMATION SLOPE
2 SCALE: 1" = 10 FT.



1. GRADE SLOPES NO STEEPER THAN 2:1.
2. DO NOT EXCAVATE INTO THE AQUIFER CONFINING LAYER.
3. ORGANICS AND SILT STRIPPED FROM PIT MAY BE STOCKPILED AND USED FOR RECLAMATION SLOPE FLATTENING.
4. COVER SLOPES WITH 4" MINIMUM SITE TOPSOIL MIX AND ORGANIC CLEARING DEBRIS.
5. DOZER TRACK AND SEED ALL RECLAMATION SLOPES ABOVE GROUNDWATER LEVEL WITH NON-INVASIVE PLANTS OR SEED MIX.

C RECLAMATION SLOPE W/IN WATER TABLE
2 NOT TO SCALE

REV.	DATE	DESCRIPTION	BY
1	12/28/2024	MCLUP GROUNDWATER ENTRY - GMD	
2	01/02/2024	ADDED PROCESS AREA	

KENAI PENINSULA BOROUGH
DIAMOND WILLOW
CONDITIONAL LAND USE PERMIT

FIELD BOOK NO.: 14-18
JOB NO.: 224001
FIELD WORK DATE: JULY 12, 2014



McLANE Consulting Inc
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99589
VOICE: (907) 283-4218
FAX: (907) 283-3286
WWW.MCLANECG.COM

DRAWN BY:	GMD
CHECKED BY:	GMD
HORIZ. SCALE:	1" = 100'
VERT. SCALE:	N/A
SHEET:	P2

**Conditional Land Use Permit
Materials Site
Staff Report**

PC Res No. 2024-12
Planning Commission Meeting: Monday, September 9, 2024
Applicant SEAN CUDE
Mailing Address 42115 Kalifornsky Beach RD
Soldotna, AK 99669
Legal Description T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2015012
DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13
Physical Address 36498 Virginia Drive
KPB Parcel Number 05527001

Project Description

The applicant wishes to obtain a Conditional Land Use Permit Modification, to Permit Resolution 2014-20, to allow for material extraction in the water table and for temporary localized dewatering during excavation. Dewatering will be intermittent, and all waters will be contained within a portion of the parcel listed above.

The site plan indicates that the material haul route will be as follows: Haul route will access the site from two locations (Northeast corner of property at Virginia Drive and Southwest corner of property at Canvasback Ave)

The site plan and application propose the following buffers:

- North: minimum 6 ft. earthen berm
- South: minimum 6 ft. earthen berm, minimum 6 ft. fence
- East: 50 ft. of natural or improved vegetation
- West: minimum 6 ft. earthen berm

The subject property is bordered on the Northside by the 60-foot-wide right of way of Virginia Drive. On the Eastside of the property is the residential neighborhood of Diamond Willow Estates Part 11. Diamond Willow Estates is a subdivision that is included in the Local Option Zoning District of Diamond Willow – Fairfield, which is adjacent to the subject parcel. On the Southside of the property is the residential neighborhood of Ravenwood, Subdivision 2 and 4, along with the 60-foot-wide right of way of Canvasback Avenue. On the West side of the property is the 83-foot-wide right of way of Ciechanski Road.

The site plan completed by McLane Consulting Inc., states that ground water is approximately 27 feet below original ground based on 4 monitor wells that were installed on March 24, 2023 by Kraxberger Drilling. The application states that the proposed depth of material excavation will be 45 feet, which will equate to 18 feet below the seasonal highwater table. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d). As a condition of dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000 or \$10,000 a well.

Plan notes state that there are no wet lands or surface waters within the property boundaries. A central area will be maintained as a processing area, which will be at least 300 feet from the East, South, West property lines. The applicant requests a waiver from the 300-foot processing distance on the Northside of the property due to the fact that the property is only approximately 615 feet wide. The site plan also indicates that there are 8 wells located within 300 feet of the proposed use area.

The application states that final reclamation will include ponding to support at least 2 waterfront residential lots. The applicant has requested that the Planning Commission grant approval according to 21.29.060(C)(6). The application further states that grading and re-contouring will incorporate strippings, overburden, and topsoil to a condition that allows for the re-establishment of natural vegetation. Slopes steeper than 2:1 will be seeded. The application also states that up to 2 acres will be reclaimed each year and reclamation will be completed annually before the growing seasons ends.

The applicant estimates a life span of 20 years for the site and an annual extraction quantity of less than 50,000 cubic yards cubic yards of material.

Public Notice

Public notice of the application was mailed on 8/21/2024 to the 325 landowners or leaseholders of the parcels within a half-mile of the subject parcel. Public notice was sent to the postmaster covering the Kalifornsky vicinity requesting that it be posted at the Post Office.

Agency Review

Agency review was distributed on August 14, 2024 to pertinent KPB staff and other agencies.

Findings of Fact pursuant to KPB 21.25 and 21.29:

1. 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.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. KPB 21.29 provides that a Conditional Land Use Permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
4. A public hearing of the Planning Commission was held on Monday, September 9, 2024 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
5. The proposed cumulative disturbed area within the parcel is approximately 19.36 acres.

Parcel Boundaries

6. All boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. The site plan indicates the property boundary within 300 feet of the work area was staked in 2024.

Buffer Zone

7. A buffer zone shall be maintained around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement:

- a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
8. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
 9. Per KPB 21.19.050(A)(c), buffers provided using vegetation and/or a fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission.
 10. Buffers shall not cause surface water diversion which negatively impacts adjacent properties or waterbodies.
 11. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.

Processing

12. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the East, South and West property lines. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
13. The applicant has requested a waiver to process materials within 100 feet of the North property line.

Water Source Separation

14. Material extraction is prohibited within 100 horizontal feet of any water source existing prior to the original permit issuance.
15. The site plan indicates that there are 8 wells located within 300 feet of the proposed excavation area.
16. The applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table, unless the planning commission has permitted excavation in the water table according to 21.29.050(A)(5)
17. The application indicates that the seasonal high-water table is 27ft (elevation 66) feet below grade and was determined by Monitor Wells.
18. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
19. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
20. As a condition of dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000, \$10,000 per well.

Excavation in the Water Table

21. The application states that work is anticipated to be completed in the water table.
22. The applicant's intended depth of excavation will be 45ft (elevation 48) feet deep, and go 18 feet into the water table.
23. The application included certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
24. A minimum of three water monitoring tubes or well casings have been installed to determine flow direction, flow rate, and water elevation.
25. For at least four quarters prior to submitting the application, groundwater elevation, flow direction, and flow rate for the subject parcel, were measured in quarterly intervals by a duly licensed and qualified independent civil engineer or professional hydrogeologist.
26. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
27. Operations will not breach an aquifer-confining layer.

Waterbodies

28. The site plan states that there are no wetlands or surface waters within the proposed excavation area.

Fuel Storage

29. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

Haul Route

30. The site plan indicates that the material haul route will be as follows: [HaulRoute].

Roads

31. Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40.

Dust Control

32. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

33. Rock crushing equipment may only be operated between 6:00 a.m. and 10:00 p.m.

Reclamation

34. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
35. Ponding may be used as a reclamation method as approved by the planning commission.
36. The applicant has indicated that ponding will be used as a reclamation method.
37. Extraction at this material site is expected to be 50,000 cubic yards of material each year.
38. Material sites that exceed 50,000 cubic yards per year must meet the bonding requirement of KPB 21.29.050(12)(b). The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamations costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

Other Permits

39. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the Borough's floodplain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.

Signage

40. For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a Conditional Land Use Permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

Permit Conditions

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where the parcel boundaries are within 300 feet of the excavation perimeter. Stakes must be in place and visible as long as the material site is permitted.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement
 - a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts

- adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the East, South and West parcel boundaries. The applicant requests a waiver to process material 100 feet from the North property line.
 6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
 7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table between 100 and 300 horizontal feet of any water source existing prior to the issuance of this permit.
 8. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
 9. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
 10. As a condition of the permit and prior to dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000.
 11. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
 12. The permittee shall ensure that fuel storage containers larger than 50 gallons shall 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 shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
 13. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
 14. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
 15. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
 16. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
 17. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
 18. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the Borough's floodplain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
 19. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain

the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

20. The permittee shall 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 permit modification is required in accordance with KPB 21.29.090.
21. This Conditional Land Use Permit 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 planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
22. Once effective, this Conditional Land Use Permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070. The request must be accompanied by the applicable permit renewal and recording fees.
23. All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded.
24. The Planning Department is responsible for filing the Planning Commission resolution. The applicant will provide the recording fee for the resolution to the Planning Department.

Staff Recommendation

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be met and recommends that the Planning Commission approve the Conditional Land Use Permit subject to the conditions and findings listed conditions, and adopt the findings of fact subject to the following: Filing of the PC Resolution in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.

Material Site Standards

1. The proposed activity must protect against lowering of water sources serving other properties. Findings 14-28 and Conditions 6-11 appear to meet this standard.
2. The proposed activity must protect against physical damage to adjacent properties. Findings 6-11, 29, 31 and Conditions 1-3, 12, and 14 appear to meet this standard.
3. The proposed activity must minimize the off-site movement of dust. Findings 12, 32 and Condition 15 appear to meet this standard.
4. The proposed activity must minimize noise disturbance to other properties. Findings 7, 9, 12, 33 and Conditions 2, 5, 16 appear to meet this standard.
5. The proposed activity must minimize visual impacts. Findings 7, 9 and Condition 2 appear to meet this standard.
6. The proposed activity must provide for alternate post-mining land uses. Findings 34-38 and Condition 17 appear to meet this standard.

Attachments

1. Application
2. Maps

3. Staff Report
4. Resolution
5. Public Hearing Notice
6. Notification List

NOTE: Any 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, 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



«OWNER»

August 21, 2024

«ATTENTION»

«MAILING_ADDRESS»

«MAILING_CITY», «MAILING_STATE» «MAILING_ZIPCODE»

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

Public notice is hereby given that a Conditional Land Use Permit application has been received to develop a material site (gravel pit) on a property located in the Kalifornsky 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 a half-mile radius of the subject property, and are invited to provide comment at the below public hearing.

- Applicant:** SEAN CUDE
- Landowner:** SBC 2012 IRREVOCABLE TRUST
- Parcel Number(s):** 05527001
- Legal Description:** DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13
- Address:** 36498 Virginia Drive
- Project Description:** This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering.
- Public Hearing:**
- Date and Time:** Monday, September 9, 2024 at 7:30 p.m.
- Location:** Kenai Peninsula Borough
Betty Glick Assembly Chambers
144 N. Binkley, Soldotna, AK 99669
- Zoom Meeting ID:** Meeting ID 907 714 2200
- Zoom Link:** <https://us06web.zoom.us/j/9077142200>
- Telephonic:** 1-888-788-0099 or 1-877-853-5247

Public Comment: You can provide verbal comment at the hearing (see information above). You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be received by 1:00 pm Friday, September 6, 2024.** Note that persons who participate in the public hearing, either by written or verbal comment, may appeal the Planning Commission’s decision within 15 days of the date of notice of the decision.

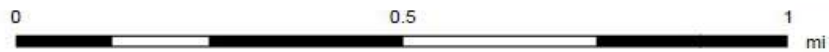
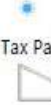
The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.



River Miles

Tax Parcels



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.

Friday, August 16, 2024

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
Resolution 2024-12
Kenai Recording District**

A resolution granting approval of a Conditional Land Use Permit to operate a sand, gravel, or material site for a parcel described T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2015012 DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13, 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 is required for material extraction which includes: Endorsement I – over 2.5 acres, Endorsement II - processing, and Endorsement III – excavation in the water table; and

WHEREAS, on Wednesday, July 31, 2024 the applicant, SEAN CUDE, submitted to the Borough Planning Department a Conditional Land Use Permit application for a portion of KPB Parcel 05527001, which is located within the rural district; and

WHEREAS, public notice of the application was mailed on or before 8/21/2024 to the 324 landowners or leaseholders within a half-mile of the subject parcel pursuant to KPB 21.25.060; and

WHEREAS, public notice was sent to the postmaster in the Kalifornsky area requesting that it be posted at the local Post Office; and

WHEREAS, public notice of the project was posted as pursuant to KPB 1.08.180(B)(1)(3); and

WHEREAS, a public hearing was held at the Monday, September 9, 2024 meeting of the Kenai Peninsula Borough Planning Commission;

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

Section 1. That the land use and operations are described and shall be conducted on KPB Parcel Number(s) 05527001, T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2015012 DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13. The total area to be disturbed under this activity is approximately 19.36 acres, of that, this modification request will affect approximately 8.8 acres. The applicant, SEAN CUDE, proposes to add the following endorsement(s): Endorsement II - processing, and Endorsement III – excavation in the water table; and will reclaim the site to a stable condition upon completion of the project.

Section 2. Findings of Fact pursuant to KPB 21.25 and 21.29:

1. 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.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. KPB 21.29 provides that a Conditional Land Use Permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
4. A public hearing of the Planning Commission was held on Monday, September 9, 2024 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
5. The proposed cumulative disturbed area within the parcel is approximately 19.36 acres.

Parcel Boundaries

6. All boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. The site plan indicates the property boundary within 300 feet of the work area was staked in 2024.

Buffer Zone

7. A buffer zone shall be maintained around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement:
 - a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
8. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
9. Per KPB 21.19.050(A)(c), buffers provided using vegetation and/or a fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission.
10. Buffers shall not cause surface water diversion which negatively impacts adjacent properties or waterbodies.
11. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.

Processing

12. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the East, South and West property lines. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.

13. The applicant has requested a waiver to process materials within 100 feet of the North property line.

Water Source Separation

14. Material extraction is prohibited within 100 horizontal feet of any water source existing prior to the original permit issuance.
15. The site plan indicates that there are 8 wells located within 300 feet of the proposed excavation area.
16. The applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table, unless the planning commission has permitted excavation in the water table according to 21.29.050(A)(5)
17. The application indicates that the seasonal high-water table is 27ft (elevation 66) feet below grade and was determined by Monitor Wells.
18. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
19. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
20. As a condition of dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000, \$10,000 per well.

Excavation in the Water Table

21. The application states that work is anticipated to be completed in the water table.
22. The applicant's intended depth of excavation will be 45ft (elevation 48) feet deep, and go 18 feet into the water table.
23. The application included certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
24. A minimum of three water monitoring tubes or well casings have been installed to determine flow direction, flow rate, and water elevation.
25. For at least four quarters prior to submitting the application, groundwater elevation, flow direction, and flow rate for the subject parcel, were measured in quarterly intervals by a duly licensed and qualified independent civil engineer or professional hydrogeologist.
26. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
27. Operations will not breach an aquifer-confining layer.

Waterbodies

28. The site plan states that there are no wetlands or surface waters within the proposed excavation area.

Fuel Storage

29. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

Haul Route

30. The site plan indicates that the material haul route will be as follows: Haul route will access the site from two locations (Northeast corner of property at Virginia Drive and Southwest corner of property at Canvasback Ave).

Roads

31. Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40.

Dust Control

32. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

33. Rock crushing equipment may only be operated between 6:00 a.m. and 10:00 p.m.

Reclamation

34. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
35. Ponding may be used as a reclamation method as approved by the planning commission.
36. The applicant has indicated that ponding will be used as a reclamation method.
37. Extraction at this material site is expected to be Less Than 50,000 cubic yards of material each year.
38. Material sites that exceed 50,000 cubic yards per year must meet the bonding requirement of KPB 21.29.050(12)(b). The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamations costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

Other Permits

39. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the Borough's floodplain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.

Signage

40. For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a Conditional Land Use Permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

Section 3: Permit Conditions

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where the parcel boundaries are within 300 feet of the excavation perimeter. Stakes must be in place and visible as long as the material site is permitted.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement
 - a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the East, South and West parcel boundaries. The applicant requests a waiver to process material 100 feet from the North property line.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table between 100 and 300 horizontal feet of any water source existing prior to the issuance of this permit.
8. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
9. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
10. As a condition of the permit and prior to dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000.
11. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
12. The permittee shall ensure that fuel storage containers larger than 50 gallons shall 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 shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
13. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.

14. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
15. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
16. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
17. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
18. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the Borough's floodplain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
19. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
20. The permittee shall 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 permit modification is required in accordance with KPB 21.29.090.
21. This Conditional Land Use Permit 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 planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
22. Once effective, this Conditional Land Use Permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070. The request must be accompanied by the applicable permit renewal and recording fees.
23. All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded.
24. The Planning Department is responsible for filing the Planning Commission resolution. The applicant will provide the recording fee for the resolution to the Planning Department.

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 six standards found in KPB 21.29.040:

CONCLUSIONS OF LAW

1. The proposed activity must protect against lowering of water sources serving other properties. Findings 14-28 and Conditions 6-11 appear to meet this standard.
2. The proposed activity must protect against physical damage to adjacent properties. Findings 6-11, 29, 31 and Conditions 1-3, 12, and 14 appear to meet this standard.
3. The proposed activity must minimize the off-site movement of dust. Findings 12, 32 and Condition 15 appear to meet this standard.
4. The proposed activity must minimize noise disturbance to other properties. Findings 7, 9, 12, 33 and Conditions 2, 5, 16 appear to meet this standard.
5. The proposed activity must minimize visual impacts. Findings 7, 9 and Condition 2 appear to meet this standard.
6. The proposed activity must provide for alternate post-mining land uses. Findings 34-38 and Condition 17 appear to meet this standard.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2024.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

PLEASE RETURN
Kenai Peninsula Borough
Planning Department
144 North Binkley St.
Soldotna, AK 99669