

DECISION OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION

A. CASE INFORMATION

Appeal Number:	2021-01-PCA; REMAND HEARING
Hearing Date:	October 18, 2021
Place of Hearing:	KPB, Betty J. Glick Assembly Chambers
Parcel Identification Number:	13524313 & 13524329
Applicable Code:	KPB 21.29.040 and KPB 21.29.050
Name of Appellants:	River Resources LLC – Owner/Applicant; and Numerous nearby landowners
Reason for remand	<ul style="list-style-type: none">• Make factual findings supporting the Planning Commission's decision based on substantial evidence in the record regarding the:<ul style="list-style-type: none">a. Bonding requirements;b. Well monitoring timeline;c. Qualifications and independence of McLane Consulting, Inc; andd. Specific criterion contained in KPB Code §§ 21.29.040 and 21.29.050• To the extent that factual information does not presently exist in the record the Commission shall augment the record by conducting an additional hearing.

PLANNING COMMISSIONERS	PRESENT	ABSENT
Blair Martin, Chair	√	
Robert Ruffner, Vice chair	√	
Syverine Abrahamson-Bentz	√	
Diane Fikes		x
Jeremy Brantley	√	
Pamela Gillham	√	
Virginia Morgan	√	
Franco Venuti	√	

B. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

	YES	NO
1. A quorum was present.	√	
2. The Certified Record on appeal to the Hearing Officer was provided to the Planning Commission	√	
3. The Motion to Remand and applicable Hearing Officer remand orders were provided to the Planning Commission	√	

C. DECISION SETTING A PUBLIC HEARING ON REMAND

PURSUANT TO THE CERTIFIED RECORD, MOTION TO REMAND, AND ORDERS ENTERED BY THE HEARING OFFICER REMANDING THIS MATTER, THE PLANNING COMMISSION ENTERS THE FOLLOWING DECISION ON REMAND:

1. A remand hearing was held on October 18, 2021. Public testimony and evidence was not reopened for the October 18, 2021 remand hearing. Pursuant to the certified record and in accordance with the orders entered by the Hearing Officer, the Planning Commission determined during deliberations that it needed more information from the parties involved and therefore will reopen public testimony and evidence in this matter.

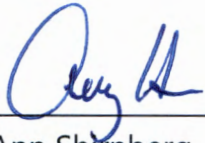
2. The public hearing on remand shall be set for December 13, 2021 and shall only be continued in the event the Applicant provides a good cause basis for not being able to timely comply with the below requested information.
3. By December 3, 2021, the Applicant, River Resources LLC, and the Applicant's engineer, Gina DeBardelaben/McLane Consulting, Inc., should provide responses pertaining to the following questions raised by the Hearing Officer's orders:
 - a. A best effort to identify known wells within 300', 500' and 1000' of the proposed dewatering;
 - b. Anticipated impacts, if any, to nearby wells;
 - c. Potential impacts to nearby wells in a worst-case scenario and the possible remedial costs of those impacts on a per-well basis;
 - d. The dates of measurements for the monitor wells done pursuant to KPB 21.29.050(A)(5);
 - e. The amount of the bond proposed by River Resources, LLC; and
 - f. Any other information or documentation that River Resources, LLC would like to provide for consideration in support of its applications and requests.
4. By December 3, 2021, interested parties/nearby landowners may provide information regarding:
 - a. Well tests performed to-date;
 - b. Professional opinions, if any, regarding potential impacts that may occur as a result of the Applicant's (i) request to allow for excavation in the water table; and (ii) localized dewatering exemption request during excavation below groundwater elevation; and
 - c. Any other expert opinions or information that nearby landowners or interested parties would like to provide for consideration in this matter.
5. By December 3, 2021, the Planning Department should provide an updated staff report that, to the best of staff's ability, answers the questions under paragraph 3 and 4 above, with recommendations that includes a proposed resolution, findings of fact, conclusions of law, and conditions, if applicable.
6. The Applicant, including its agents, counsel, and/or engineer, shall have 15 minutes to provide public testimony at the public hearing scheduled for December 13, 2021.

7. Nearby owners and other interested parties shall have 3 minutes per person to provide public testimony that is relevant to the information requested under paragraph 3 and 4 above; however, the total allotted time for nearby owners and interested parties' testimony shall be capped at a maximum of 45 minutes.

Dated this 18th day of October, 2021.


Blair Martin, Chair, KPB Planning Commission

ATTEST:


for Ann Shirnberg AA
Ann Shirnberg, Administrative Assistant