

[Clerk's Note: At the 01/18/22 meeting this amendment failed 4 Yes, 4 No, 1 Absent. Notice of reconsideration was given by Mr. Elam.]

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Bill Elam, Assembly Member *BE*

DATE: January 18, 2022

SUBJECT: Elam Amendment #2 to Ordinance 2021-41, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Johnson, Mayor)

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

- Amend Section 2, KPB 21.29.040(A), as follows:

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 visual impacts. ~~[Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:]~~ The mandatory conditions of 21.29.050 are express conditions precedent to the granting of any conditional land use permit and after a public hearing, the planning commission must find, in writing, that through imposition of all the mandatory conditions under KPB 21.29.050 that the following standards are met:

1. ~~[Protects against the lowering of water sources serving other properties;]~~
The use is not inconsistent with the applicable comprehensive plan;
2. ~~[Protects against physical damage to [other] adjacent properties;]~~
The use will preserve the value, spirit, character, and integrity of the surrounding area;

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3. ~~[[Minimizes] Protects against off-site movement of dust;]~~
The applicant has met all other requirements of this chapter pertaining to the use in question;
4. ~~[[Minimizes] Protects against noise disturbance to other properties;]~~
That granting the permit will not be harmful to the public health, safety and general welfare; and
5. ~~[[Minimizes] Protects against visual impacts of the material site; [and]]~~
The sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in KPB 21.29.050.
- ~~[6. Provides for alternate post-mining land uses[.];]~~
- ~~[7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;]~~
- ~~[8. Protects against traffic impacts; and]~~
- ~~[9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.]~~

Your consideration of this amendment is appreciated.