

Material Sites Staff Presentation

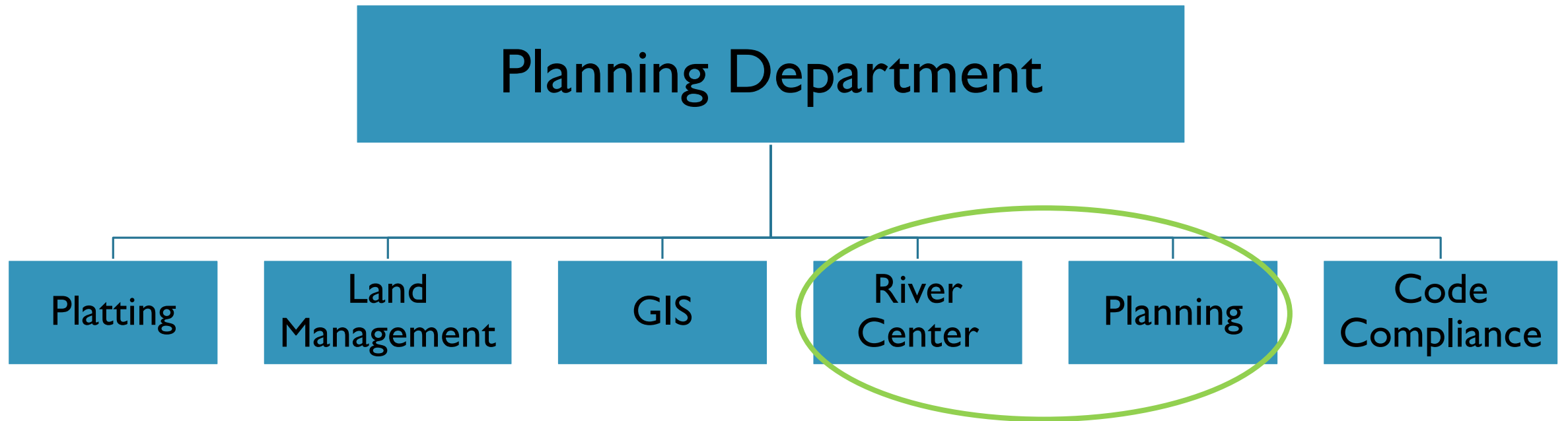
SAMANTHA LOPEZ

MANAGER

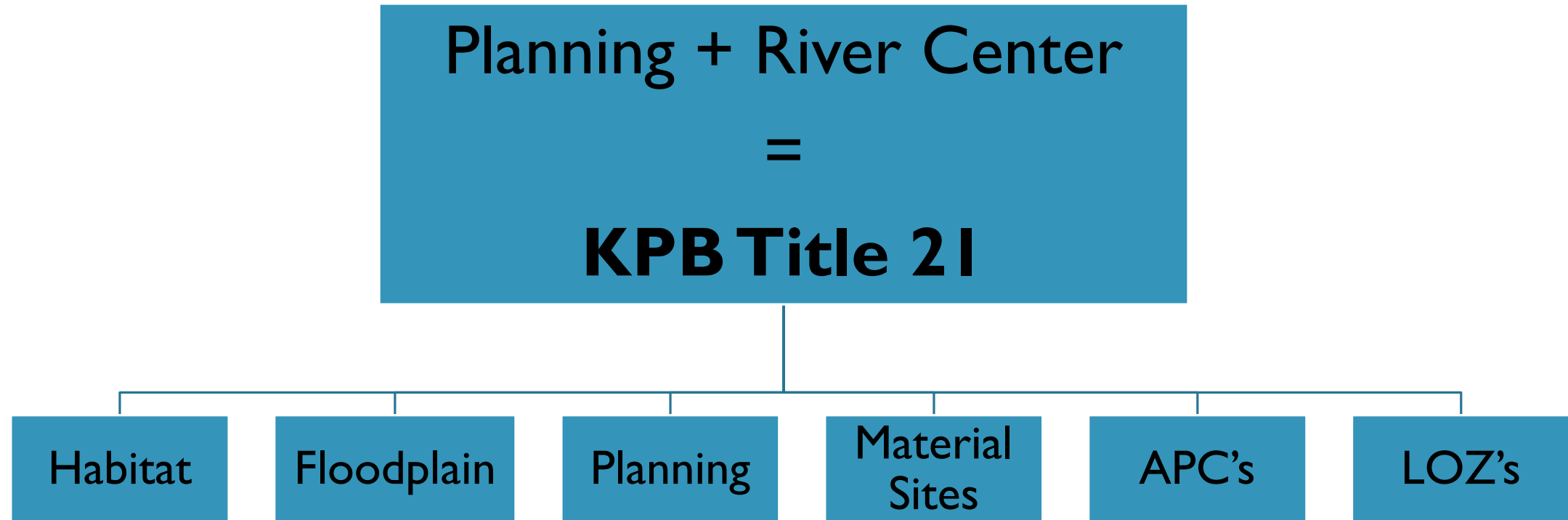
PLANNING + RIVER CENTER

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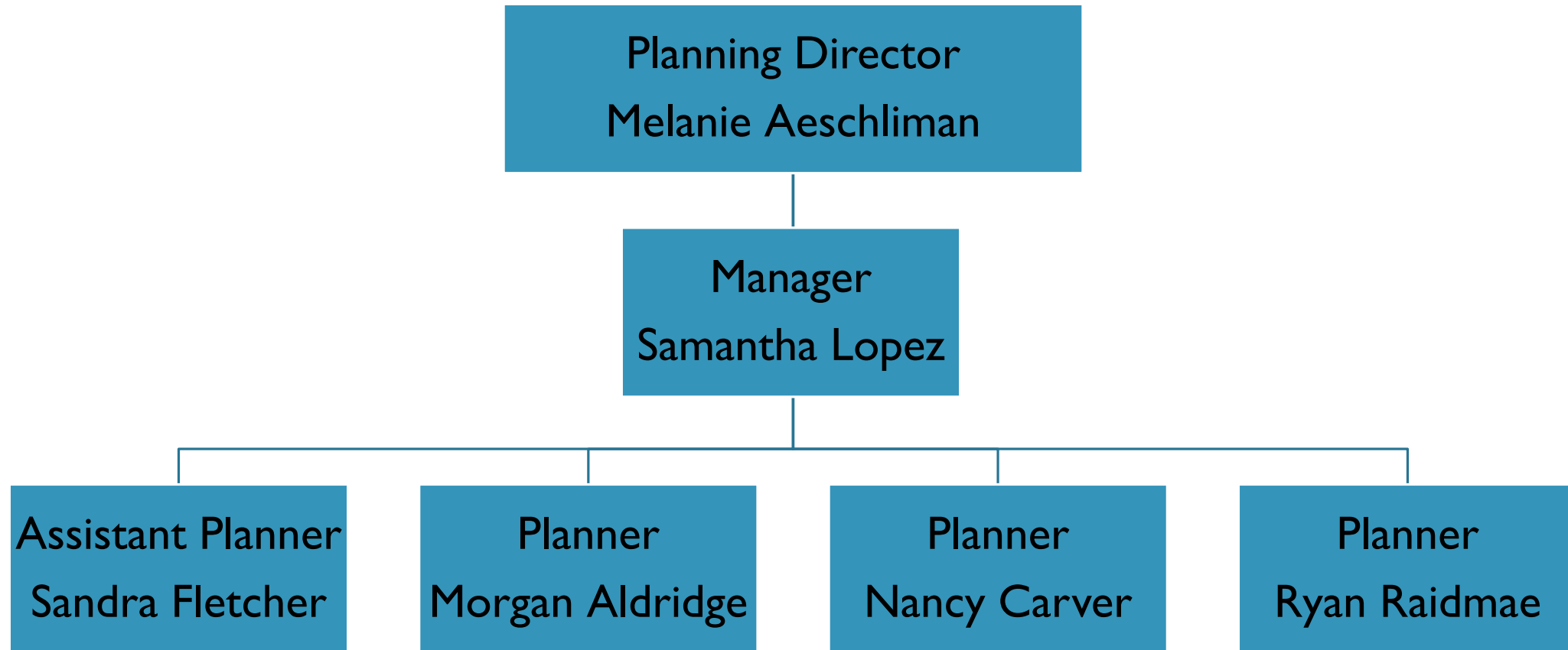
Planning Remodel



Organization – workflow/duties



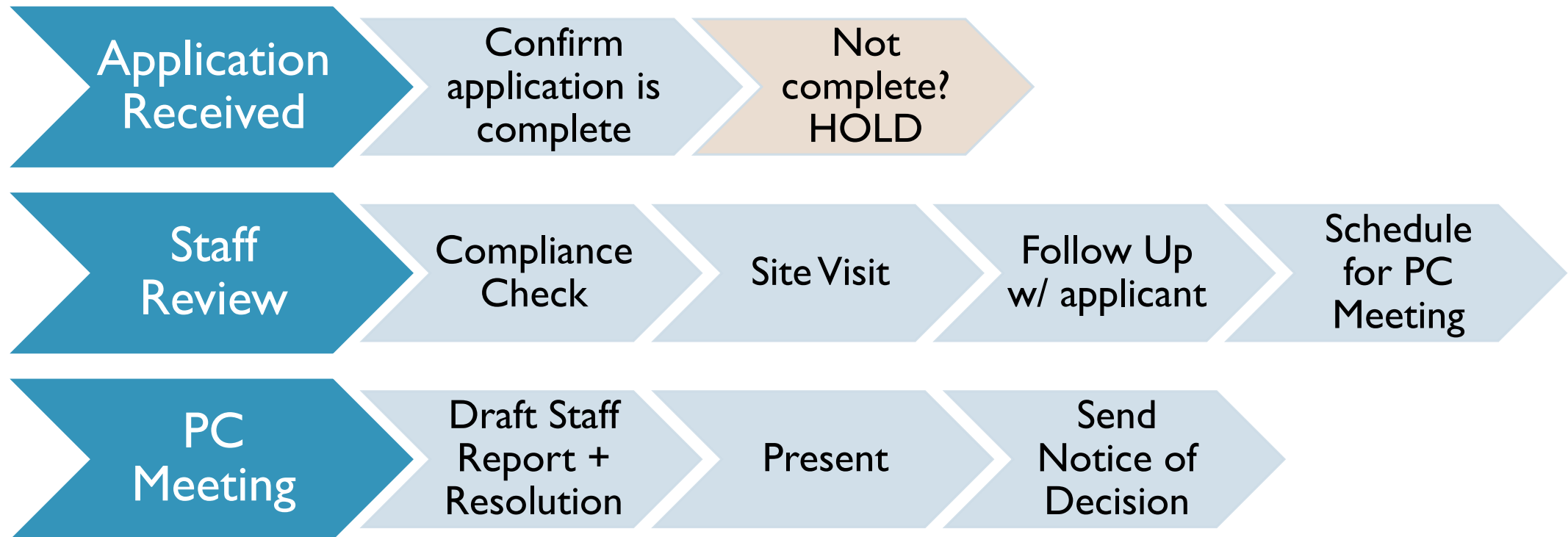
Organization – personnel



History of KPB Material Site Code

- **1996 - KPB 21.13**
 - Basic Land Use (& material site) Permitting
- **1997 - Material Site Task Force**
 - Held 11 meetings
 - Ordinance 98-33 Proposed
 - **1999** - Ordinance 98-33 Sub Adopted
 - Replaced KPB 21.13
 - Established most of KPB's current rules for material sites
- **2001 - PEU's Due**
- **2006 - Repealed 21.26, created 21.29**
- **2011 - PEU Abandonment**
 - If PEU wasn't used between 1996 and 2011 → abandoned
- **2011 - KPB 21.50 Violations/Fines Created**
- **2018/2019 - Material Site Working Group**
 - Ordinance 2019-30 Created+Denied
- **2022 - Ordinance 2019-30 Reconsidered**
 - Ordinance 2021-41 Tabled
 - Material Site Subcommittee Created

CLUP Application Process



What does an application need?

Applicant Provides:

- Application fee
- Buffer plan
- Reclamation plan
- Depth of excavation
- Description of material
- Voluntary conditions
- Site plan

Planning Department Provides:

- Vicinity, aerial, land use, and ownership maps

KENAI PENINSULA BOROUGH SELDOVIA ROCKY RIDGE LANDFILL/QUARRY

CONDITIONAL LAND USE PERMIT

OWNER:
KENAI PENINSULA BOROUGH
144 N. BINKLEY STREET
SOLDOTNA, ALASKA 99669



PROJECT INFO



REV	DATE	DESCRIPTION	BY

KENAI PENINSULA BOROUGH
SELDOVIA ROCKY RIDGE LANDFILL
CONDITIONAL LAND USE PERMIT



McLane
Consulting Inc.
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 486
SOLDOTNA, AK 99669
VOICE: (907) 263-4218
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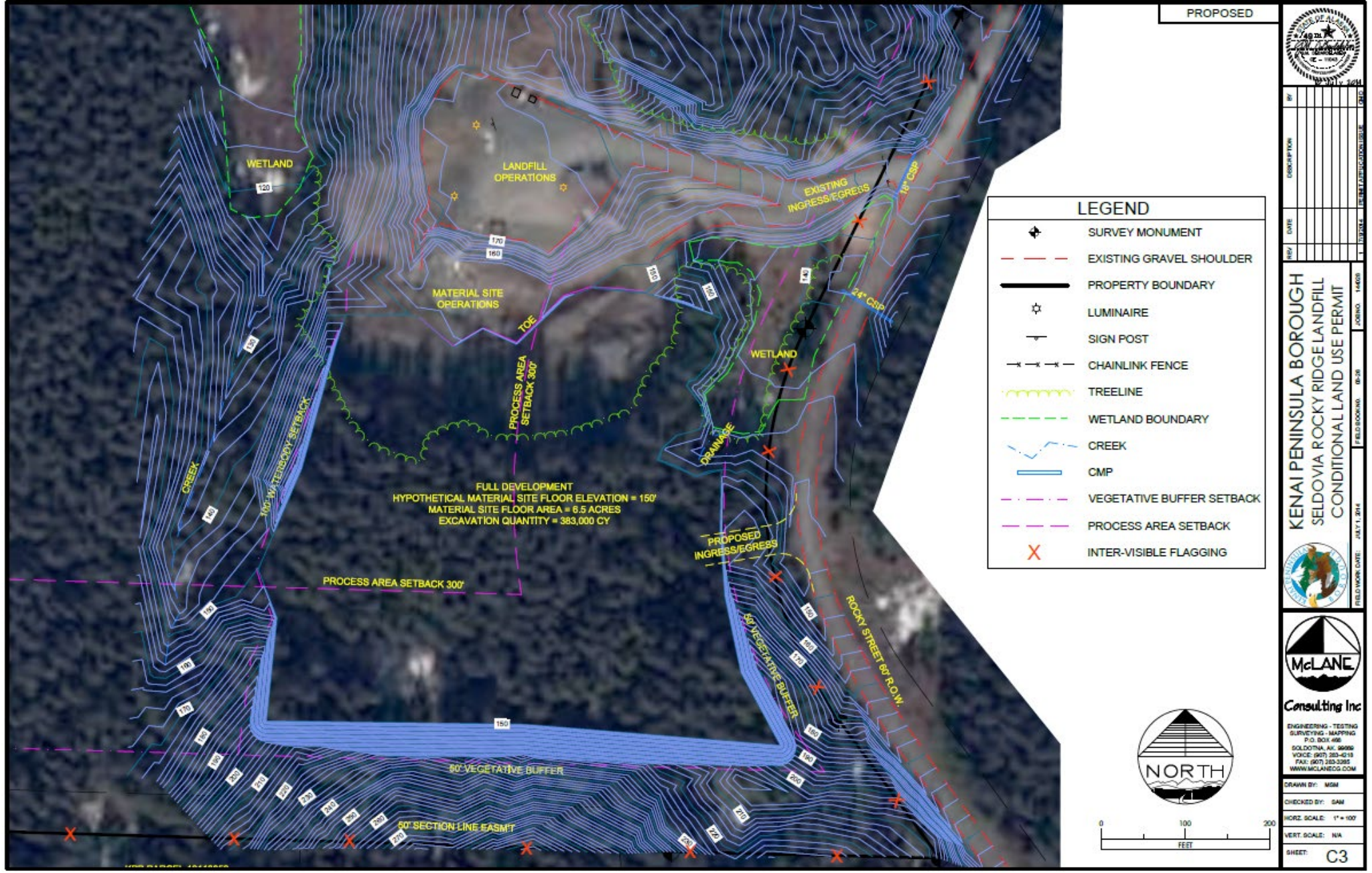
DRAWN BY: NSM
CHECKED BY: SAM
HORIZ. SCALE: 1" = 100'
VERT. SCALE: N/A
SHEET: C1

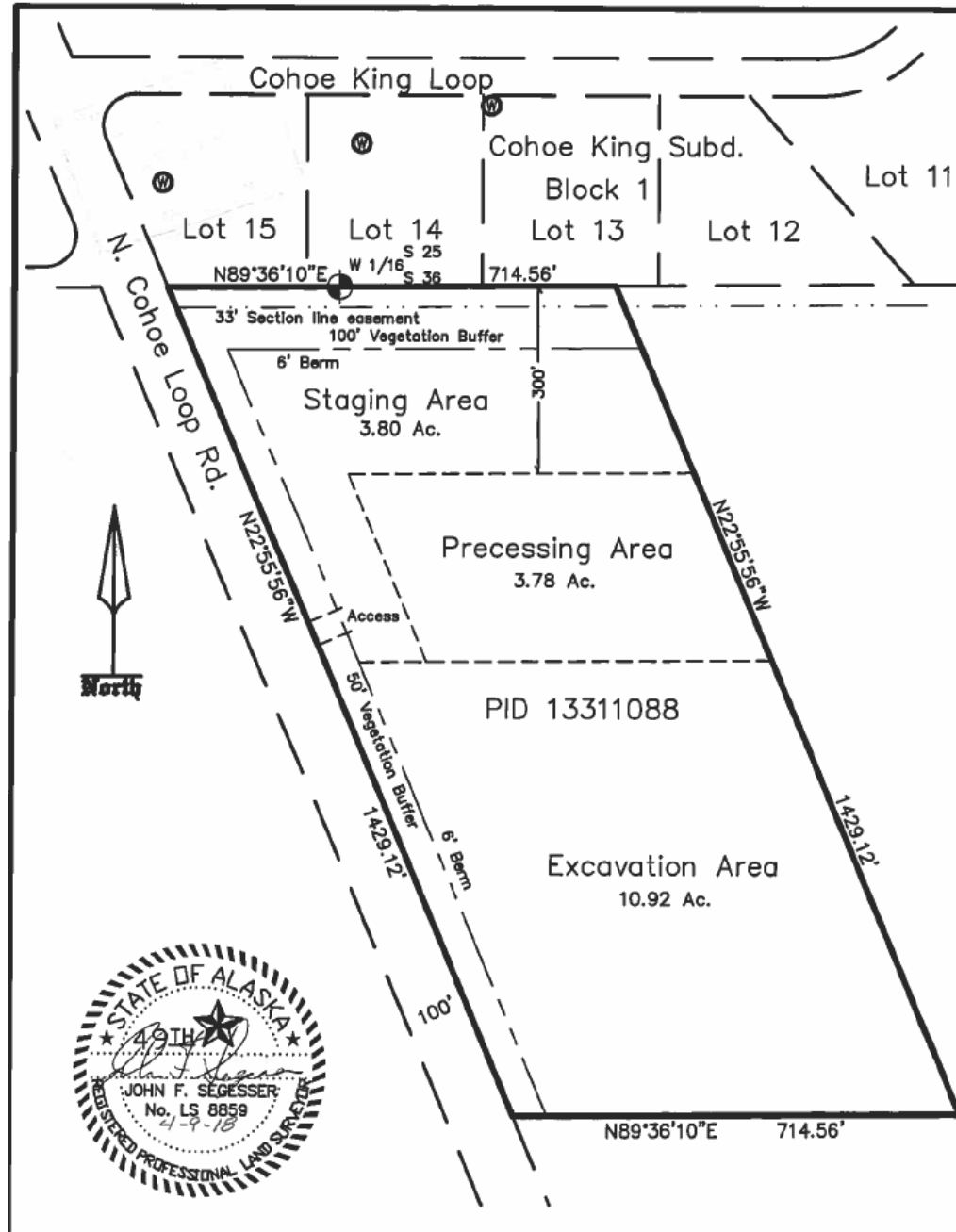
NOTES

1. THE LEGAL DESCRIPTION OF THIS MATERIAL SITE IS KPB PARCEL NO. 19113067, SECTION 6 T9S R14W GOVERNMENT LOTS 9, 10, 17, 19 & 20 & E1/2 NW NW SE & NE NW SE & S1/2 NW SE & PORTION OF S1/2 SE LYING WEST OF ROCKY STREET AS SET FORTH IN ROCKY STREET ROW DEDICATION, SEWARD MERIDIAN, ALASKA.
2. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY, BEGINNING AT THE NORTH AND PROCEEDING SOUTH.
3. AS THE SITE IS CLEARED AND STRIPPED, TOPSOIL WILL BE SALVAGED AND STOCKPILED FOR FUTURE USE DURING RECLAMATION.
4. A VEGETATIVE BUFFER WILL BE MAINTAINED ON ALL BOUNDARIES OF THE MATERIAL SITE.
5. RECLAMATION WILL BE DONE INCREMENTALLY AS PHASES ARE EXHAUSTED. THE NORTHERN PORTION OF THE MATERIAL SITE WILL BE UTILIZED FOR LANDFILL OPERATIONS AND NOT RECLAIMED.
6. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION.
7. SLOPES STEEPER THAN 2:1 WILL BE SEEDED. BEDROCK FACES WILL BE CONSIDERED STABILIZED AND RECLAIMED.
8. THERE ARE NO WATER WELLS WITHIN 300 FEET OF THE PROPOSED MATERIAL SITE.
9. THE SOUTH AND THE EAST PROPERTY LINES OF THE PROPOSED MATERIAL SITE HAVE BEEN FLAGGED AT VISIBLE INTERVALS. A FLAGGING WAIVER IS REQUESTED FOR THE NORTH AND WEST SIDES OF THE MATERIAL SITE DUE TO THE PROPERTY SIZE; PROPOSED DEVELOPMENT IS GREATER THAN 300' FROM PROPERTY LINES AND PROPOSED VEGETATIVE BUFFERS.
10. THERE ARE NO WATERBODIES, RIPARIAN WETLANDS OR SURFACE WATERS WITHIN THE PROPOSED WORK AREA. THERE IS A CREEK TO THE WEST OF THE MATERIAL SITE, A SMALL WETLAND TO THE EAST AND A LARGE WETLAND TO THE NORTHWEST (SHOWN ON C2 & C3).
11. MATERIAL PROCESSING WILL BE CENTERED IN THE AREA THAT IS CURRENTLY BEING MINED. A SEPARATION OF GREATER THAN 300' FROM THE PROPERTY LINE WILL BE MAINTAINED.
12. TESTHOLE LOGS ARE INCLUDED IN PERMIT APPLICATION SUPPLEMENTAL INFORMATION.
13. THE MATERIAL SITE HAUL ROUTE IS ROCKY STREET. THERE IS EXISTING INGRESS/EGRESS THROUGH THE LANDFILL. PROPOSED INGRESS/EGRESS IS SHOWN SOUTH OF EXISTING.

INDEX OF SHEETS

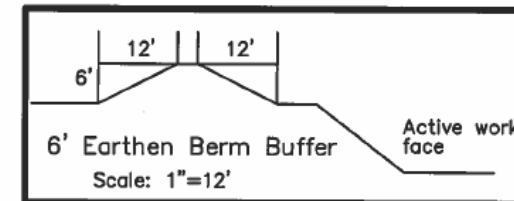
SHEET NO.	DESCRIPTION
C1	VICINITY MAP & LEGEND
C2	EXISTING CONTOURS
C3	SITE DEVELOPMENT PLAN
C4	DETAILS & TYPICAL SECTIONS





NOTES:

- 1) This permit application is for a portion of KPB parcel #13311088, NW1/4 NW1/4 and NE1/4 NW1/4 Section 36, T3N, R12W, S.M., lying East of N. Cohoe Loop Road.
- 2) Proposed ingress and egress is from the existing driveway off N. Cohoe Loop Road.
- 3) The preferred buffers are: North and West—6 foot earthen berm.
- 4) Existing wells are shown. Excavation below or near the water table is not proposed.
- 5) There are no mapped wetlands and/or surface water.
- 6) Reclaiming area will be graded and conditioned with gravel. Slopes greater than 2:1 will be seeded with non-invasive plant species.
- 7) The property corners were located and the area to be excavated has been flagged at visible intervals.
- 8) Surface water protection will be by earthen berms, natural vegetation, and a ditch at the base of active workforce.
- 9) 6 foot berm with visible side facing subdivisions is to be contoured and seeded to match existing landscape.



Conditional Land Use Permit for Material Site

NW1/4 NW1/4 & NE1/4 NW1/4
Sec. 36, T3N R12W, SM

SEGESSER SURVEYS

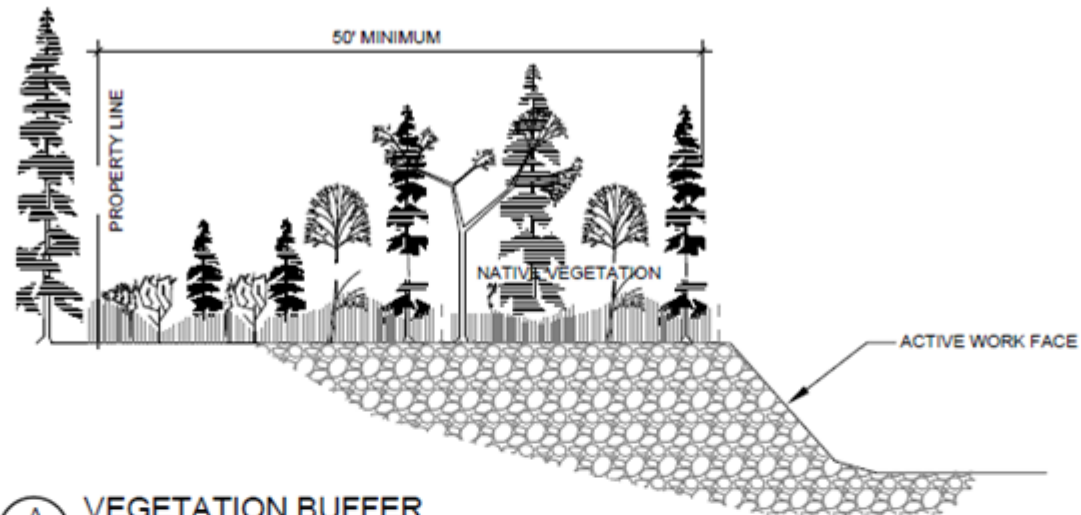
30485 ROSLAND ST.
SOLDOTNA, AK 99669
(907) 262-3909

LEGEND

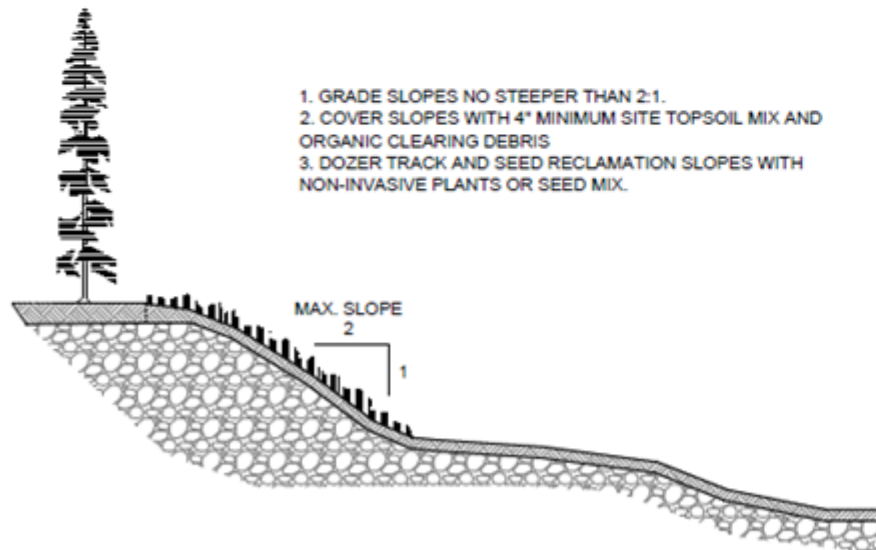
Found Monument Well

Date: 4-9-18 Scale: 1"=200' Drawn: JFS

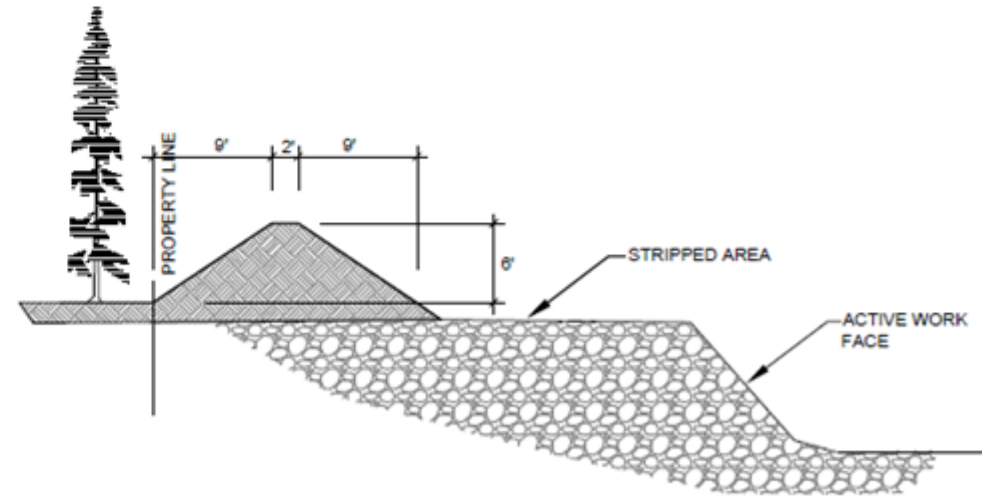
Job: 18014 Book: 17-3



A VEGETATION BUFFER
C4 SCALE: 1" = 10 FT.



B RECLAMATION SLOPE
C4 SCALE: 1" = 10 FT.



C EARTHEN BERM BUFFER
C4 SCALE: 1" = 10 FT.

Staff Concerns with Code

Code considered:

- ❖ KPB 21.25 CLUP's
- ❖ KPB 21.29 Material Sites
- ❖ KPB 21.50 Violations/Fines

Problems to Solve:

- ❖ Address issues in code
- ❖ Loopholes, contradictions
- ❖ Compliance Resolution
- ❖ Enforcement Challenges

KPB 21.29 Needs Definitions

- **Vicinity**: vicinity of activity, water table, etc.
 - Public notice is sent to 1/2 mile radius
 - Code references adjacent parcels
 - Aquifer size not always available
- **Protects Against**: creates an immediate impact if the standard is not met (i.e. water table, damage to adjacent property)
- **Minimize**: does not create an immediate impact, but can be measurably mitigated for (i.e. dust, noise, visual)
- **Damage**: When does it become enforceable damage?
 - Significant vs. minor damages
 - Property values, dust, aquifer, view shed, contamination, etc.



Definitions (continued)

- **Well Monitoring**

- KPB 21.29.050(A)(5)(c) “measured in three month intervals”
- Intent is quarterly, but can be interpreted to mean that samples **MUST** be taken at 3 month intervals, which is unrealistic.

- **Impartial**

- Not defined. Change to “independent” to make consistent with chapter & define



CLUPs vs. Counter Permits

Current Code: Based on MS acreage	Permit Required	Intent Per 1997 MSTF
<1.0 acre site	None	Defined the lower limit (either by site or activity)
1.0 - 2.5 acre site	Counter permit (staff)	Remote sites (greater than ½ mile); limited duration; on-site use
2.5+ acre site	CLUP (Planning Commission)	Truly commercial operations
Problem: this can create a permitting loophole		

Solutions?

- Applicability Language, Example:
 - MatSu 7.30.020(C): This chapter applies to commercial earth materials extraction activities where the principal activity of use of the property is the extraction of earth materials.
- Based on site operation levels?
- Personal vs. Commercial Use?
- Activity Level (Tiers - A, B, C)?
- Limit the total number of active MS permits in an area?

Referencing Outside Standards

- **Issue:** Code Compliance Officer can't enforce outside agency standards unless they are spelled out in code.
- **Safety Standards** – note that OSHA/MSHA are for the worker's safety standards – not surrounding residents.
- **Sound/Decibel Requirements** (proposed ordinance)
 - Will be incredibly hard to manage as written



Decision

Decision (proposed ordinance)

- Takes discretion away from PC
- Should reference the conditions and standards
- If PC can deny a permit that meets all conditions, then the process is opened up for potential biases, liability, and objectivity can be lost.
- Need an Appeal of Director's decision



Hours of Operation

- Proposed ordinance
- Affirmative language
- Allow for exceptions via emergency authorization
 - To be approved by Director
 - Road washout, earthquake, etc.



Floodplain Contradiction

- KPB 21.29.050 (A)(6) says you cannot develop within a floodplain:
“An undisturbed buffer shall be left 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 as defined in KPB 21.06.”
- KPB 21.29.010 (A-C) and 21.29.050 (A)(13) directs applicant to acquire KPB floodplain permit
- KPB 21.06.50(B)(7) clearing activities may not increase runoff and/or erosion to levels that cause significant damage to floodplain, riparian habitat, or wetlands



Fines/Violations (KPB 21.50)

- Current Code:
 - Violation management is a civil matter and results in a lengthy and expensive process.
 - Code Revision Needed
- One Code Compliance Officer
- Stop-Work Order Needed
 - In process**



Bonding Requirements

KPB Bonding Requirements?

- State of Alaska bonding does not cover KPB
- Code is conflicting (SOA bonding is rarely required)

Bonding applicable to:

- **Reclamation:**
 - Currently little incentive for an operator to reclaimate
- **Wells and Aquifers:**
 - Water quality & quantity
- **Other significant damages**



Prior Existing Use (PEU) Sites

- When Planning Department receives complaints on PEU's...
- Problem: KPB has no jurisdictional authority



PEU's – Solutions?

- Echo 2011?
 - Sunset clause for sites inactive from 2011-2022
- Must come into compliance by ___ date
- Sunset clause to inactivate upon transfer of ownership, etc.
- Violation Code?
- Bonding?
- Other?

