

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Lane Chesley, Assembly member

DATE: April 5, 2022 **Chesley Amendment #1**

SUBJECT: 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 KPB 21.25.100, Appeals, as follows:

21.25.100. – Appeals.

An aggrieved party may appeal the denial, modification, or approval by filing an appeal to the hearing officer within 15 days of the date of notice of the decision. Appeals from actions taken under this chapter shall be conducted in accordance with the appellate procedures established in Chapter 21.20 of this code. **For the purposes of this section, the Kenai Peninsula Borough will not be considered an aggrieved party unless it has a fee property interest that is affected by the decision. Notwithstanding, the Kenai Peninsula Borough will be considered a party of record and may enter an appearance in an appeal to defend claims of procedural err or claims that the decision violates borough code or state law.**

- Amend KPB 21.29 by adding an intent and purpose section as follows:

KPB 21.29. MATERIAL SITE PERMITS

21.29.005. – Intent and Purpose.

The purpose of this section is to allow for and 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. It is the further purpose of this chapter to promote compatible, orderly development. These purposes are accomplished by:

- (1) providing landowners flexibility in realizing the economic value of their property by allowing the commercial extraction of earth materials in connection with the development of parcels for uses permitted;**
- (2) allowing for a public review process for earth materials extraction activities within the Kenai Peninsula Borough;**
- (3) promoting orderly and beneficial development of property;**
- (4) encouraging the most appropriate uses of land;**
- (5) promoting diversified land use and economic opportunity;**
- (6) enhancing the natural, manmade, and historical amenities of the Kenai Peninsula Borough;**
- (7) recognizing and preserving traditional uses of land within the Kenai Peninsula Borough; and**
- (8) protecting and enhancing the quality, peace, quiet and safety of the Kenai Peninsula Borough residential areas.**

Your consideration of these amendments is appreciated.