

Does Visual Impact really matter??



21.29.055. Decision (Not in current ordinance)

The planning commission or planning director, as applicable, shall approve permit applications whereby mandatory standards under KPB 21.29.040 have been met through implementation of imposed and volunteered conditions set forth in KPB 21.29.050, or shall disapprove applications when the imposed and volunteered conditions do not meet the mandatory standards in KPB 21.29.040. The decision shall include written findings detailing how the imposed and volunteered conditions under KPB 21.29.050 meet, or do not meet the mandatory standards set forth in KPB 21.29.040 and evidence to support those findings. When applicable there shall be written findings supporting any site-specific alterations to the condition as specifically allowed by KPB 21.29.

Three Amendments to create two Categories of CLUPs. (Other sub-categories might be in order based upon acreage of proposed site??)

1. 21.29.020 (B) Conditional Land Use Permit.

B. A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. [~~A CLUP IS REQUIRED FOR MATERIALS PROCESSING.~~]

CLUPs will be categorized at the time of application as:

Class 1 (Processing), or Class 2 (Non-Processing). A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPs and the provisions of 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of 21.29 are controlling.

2. 21.29.050 (A) Permit Conditions.

A. The following mandatory conditions apply to counter permits, [~~CLUPs~~] **Class 1 CLUPs, and Class 2 CLUPs** issued for sand, gravel, or material sites:

3. 21.29.050 (A)(3) Permit Conditions

3. Processing.

a. In the case of a [~~GLUP~~] **Class 1 CLUP**, any equipment which conditions or processes material must be operated at least [~~300~~] **500** feet from the parcel boundaries. At its discretion, the planning commission may waive the [~~300~~] **500** foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of [~~adjacent property at the time~~] **properties in the vicinity**.

b. A Class 2 CLUP may utilize mobile equipment for screening or classifying up to 250 cubic yards of material per day. This equipment must be operated at least 200 feet from the parcel boundaries. At its discretion, the planning commission may waive the 200 foot distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent properties.

21.29.050 (A)(2) Buffer Zone

2. A buffer zone shall be established between the area of the proposed use and the parcel boundaries. Where an easement exists, a buffer shall not overlap the easement unless otherwise conditioned by the planning director or planning commission.

a. The buffer zone for a Class 1 (processing) CLUP shall consist of the following: A minimum 100 feet of undisturbed natural vegetation and a minimum twelve-foot earthen berm with a minimum 2/1 slope. At its discretion, the planning commission may modify these requirements in consideration of and in accordance with existing uses of properties in the vicinity.

b. The buffer zone for a Counter Permit or a Class 2 (non-processing) CLUP shall consist of one or any combination of the following: Fifty feet of undisturbed natural vegetation, a minimum six-foot fence, a minimum six-foot earthen berm with a minimum 2/1 slope. At its discretion, the planning director or planning commission may modify these requirements in consideration of and in accordance with existing uses of adjacent properties.

c. **~~{The planning commission or planning director shall designate one or a combination of the above as it deems appropriate.}~~** The **~~{vegetation and fence}~~** buffer zone shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission or planning director.

*Current letter (b) becomes (d)

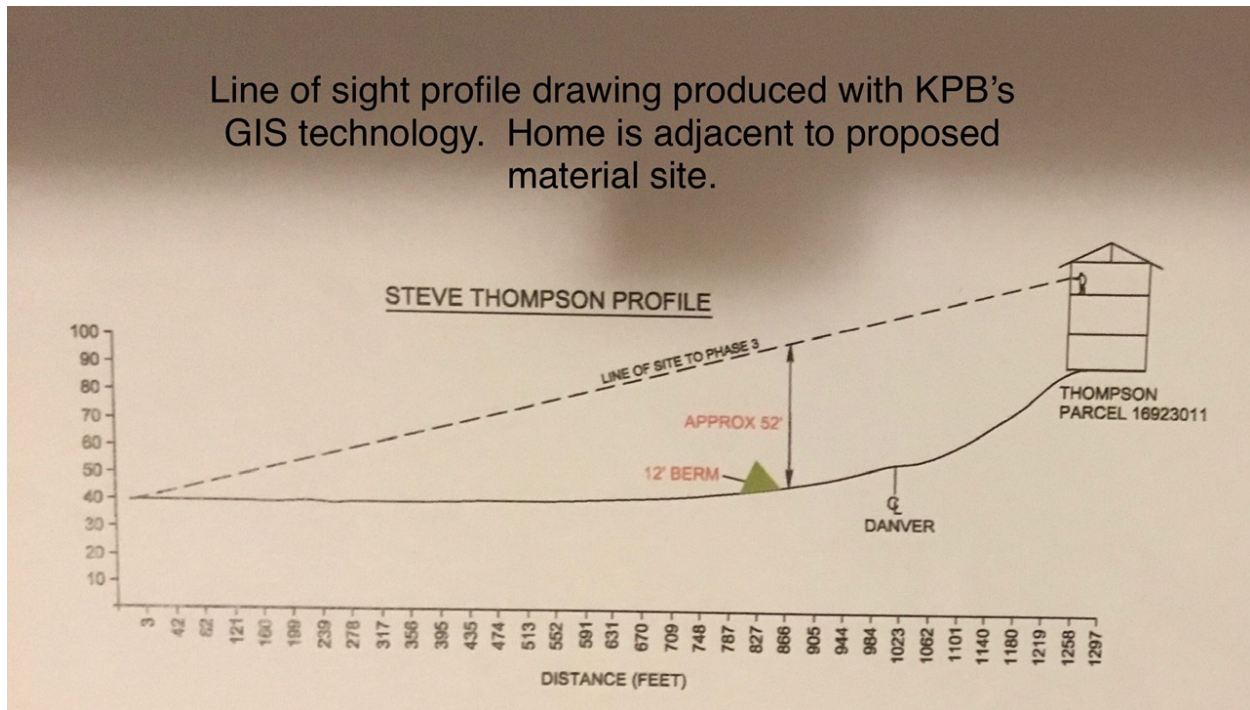
*Current letter (d) becomes (e)

*Current letter (e) becomes (f)

Add a new paragraph (g) to **21.29.050 (A)(2)** Buffer Zone.

g. KPB's Geographic Information System (GIS) will be utilized in the design of the buffer zone when differing elevations exist between a proposed material site and neighboring property owners. Using LIDAR technology, line of sight profile drawings from the uppermost inhabitable level of existing properties located within one thousand feet of the proposed material site parcel boundary shall be utilized in the determination of sufficiency of the buffer zone.

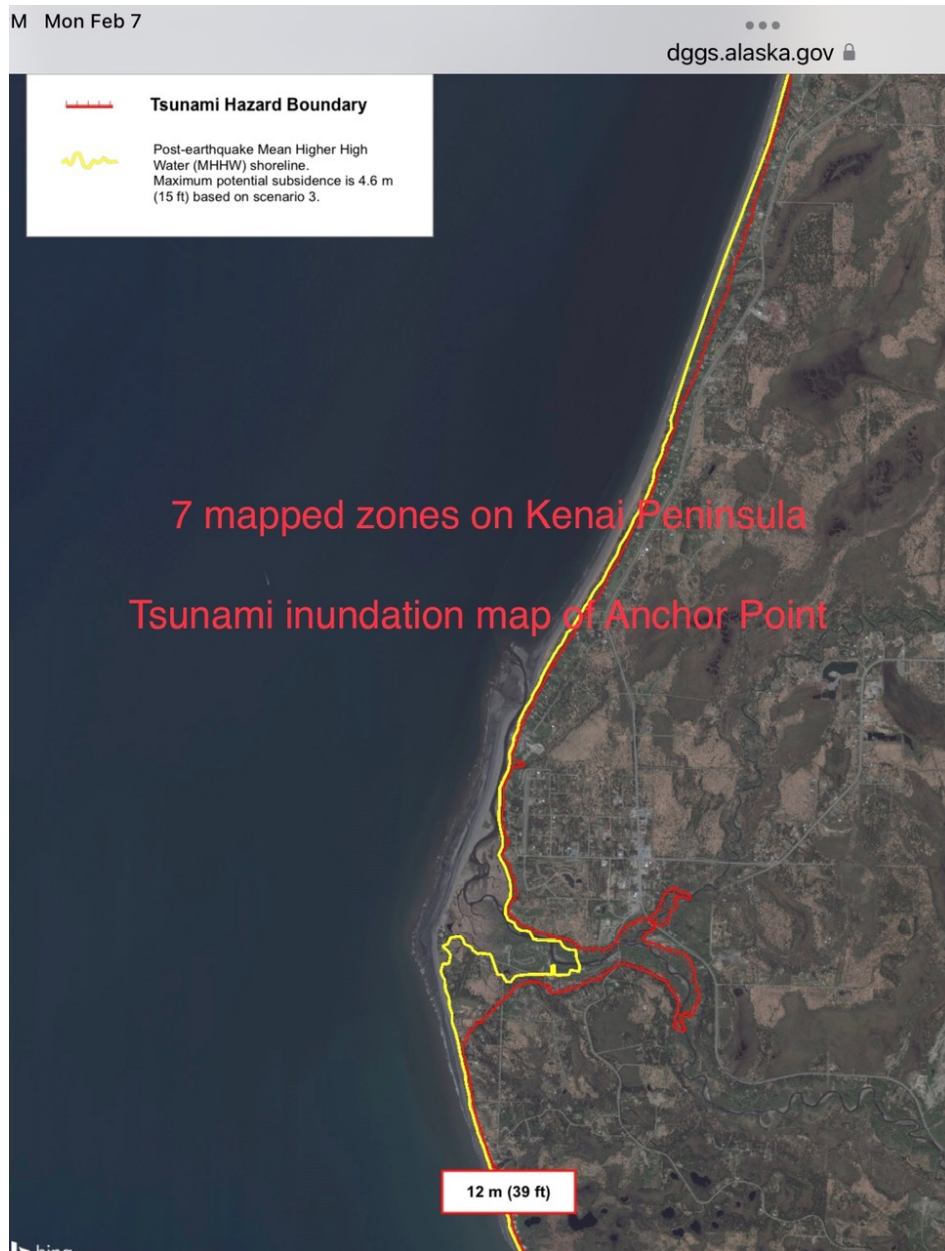
Line of sight profile drawing produced with KPB's GIS technology. Home is adjacent to proposed material site.

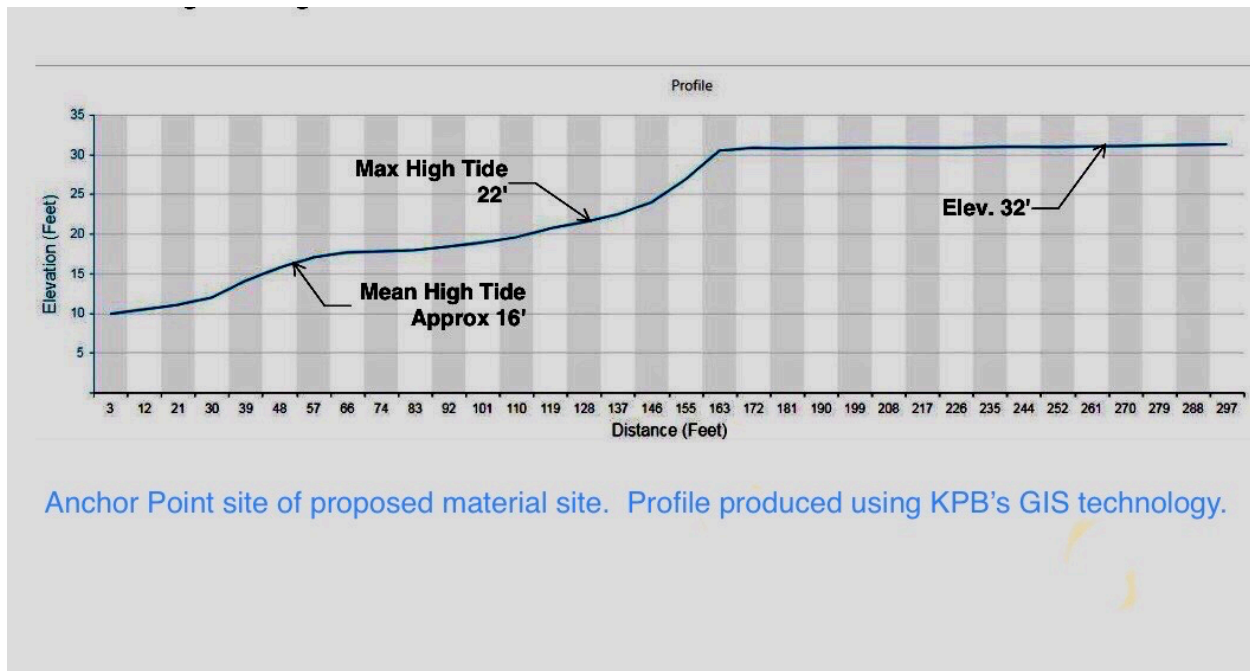


Add new paragraphs (c) and (d) to 21.29.050 (A)(6):

21.29.050 (A)(6) Waterbodies. (New language)

c. All permits within the area of a mapped Tsunami Hazard Boundary shall be issued with a condition which prohibits any material extraction within 500 horizontal feet of any residential or commercial water source. These Hazard Boundaries are mapped by the Alaska DNR, in partnership with the Alaska Earthquake Center and the Alaska Division of Homeland Security and Emergency Management.





Waterbodies (New language)

d. When material sites are proposed near waterways and estuaries which support salmon rearing habitat, existing ground water flow information shall be utilized to determine if standards will be met.

Amendment to Standards

21.29.040 (A)(1) Standards for sand, gravel, or material sites.

1. Protects against the lowering and/or contamination of water sources serving other properties;
5. Minimizes visual impacts of the proposed use; and

Amendment to clarify 21.29.010 (A)

A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, does not cross property boundaries, does not require a permit. **Material extracted from this parcel may not be transported on public roads.** There will be no excavation within 20 feet of a right-of-way or within 10 feet of a lot line.

Amendment to add Berm and Vicinity to 21.25.030 Definitions

Berm means an earthen barrier with a minimum 2/1 slope which may contain up to 10% of small diameter (less than six inch) vegetated materials.

Vicinity means the notification area

Sections from the ordinance presented by the Material Site Working Group that should be incorporated into the new ordinance.

21.29.040 Standards

Keep the word “minimize” in standards 3, 4, and 5. Although somewhat vague, it is more meaningful than “protect against”.

Don’t throw out standards 7 and 8—expand on 8.

21.29.050 permit Conditions

(2)(a) There is no need to have a maximum 100 foot buffer. The distance would be determined by LIDAR.

(4)(b) & (c) The 4 foot vertical separation from seasonal high water is recommended by AK DEC Best Practices, and it allows reclaimed parcels to support new construction (septic).

(6)(a) Keeps excavation at 200 feet from waterbodies instead of the current 100 foot.

(11)(a) changes hours of operation for processing equipment from 6:00am - 10:00pm to 6:00am - 7:00pm.

(12)(a) & (b) Clarifies Reclamation Plan.

(18) White noise backup alarms are OSHA and MSHA approved, cheap, easy to install, and go a long ways towards reducing negative noise impacts in a residential area!!.

(23) Setbacks from designated institutions and facilities is necessary.

