

E. NEW BUSINESS

5. Conditional Land Use Permit Modification

PC Resolution 2022-18

Legal Description Tract A-1A Kalifornsky Center Subdivision

Applicant/Landowner: Peninsula Resources, LLC

PIN: 055-072-93

Kalifornsky Area

Conditional Land Use Permit for a Material Site

STAFF REPORT

PC MEETING: May 9, 2022

Applicant: Peninsula Resources, LLC.
Landowner: Peninsula Resources, LLC.
Parcel Number: 055-072-93
Legal Description: T5N R11W SECTION 25 S.M. KALIFORNSKY CENTER SUBDIVISION TRACT A-1A
Location: Ravenwood St. & Bonita Ave.

BACKGROUND INFORMATION: The applicant wishes to modify the existing permit granted through Resolution 2016-11 for gravel extraction on a portion of the parcel listed above.

The submitted site plan indicates that the material haul route will utilize Forest Wood Avenue.

The site plan and application proposes the following buffers:

North: No buffer, applicant requesting buffer waiver
South: 6 foot earthen berm
East: No Buffer, existing buffer waiver granted
West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver

(The existing permit, being modified herein, maintained a minimum of 50 foot vegetated buffer on the North, South, and West sides. The East side has no buffer due to an approved buffer waiver through Resolution 2016-11)

The subject property is bordered on the North side by undeveloped parcels owned by the Kenai Peninsula Borough and Trimark Earth Reserve LLC. Directly to the East is an existing gravel pit owned by Douglas Norris. Along the Southern boundary is the residential neighborhood of Bella Woods Phase 1 and Phase 2. To the West is an existing material site owned by Trimark Earth Reserve LLC and the residential subdivision of K-B, Part 5.

The existing ingress/egress and haul route is Bonita Ave. to Poppy Ridge Rd. A new ingress/egress is proposed at the intersection of Forest Wood Ave. and Ravenwood St. The new haul route would use Forest Wood Ave. which is designated as a Local Road and maintained by the Kenai Peninsula Borough. It is a paved, 2-Lane road with a posted speed limit of 25 MPH.

The site plan completed by McLane Consulting Inc., claims ground water is deeper than 30' below the existing surface based on the exploration of the adjacent property (PID# 055-550-43). The application states that the proposed depth of material excavation will equal 25'. Plan notes state that there are no wet lands or surface waters within the property boundaries. A central area will be maintained as a processing, staging and stockpile area. This process area is at least 300' from the South and West property lines. The applicant requests a waiver from the 300' processing distance on the North side of the property. An existing 300' processing distance waiver already exists on the East side of the property. Surface water protection is not necessary, according to the McLane report. The site plan also indicates that there are no wells located within 100' or 300' of the proposed excavation area.

Plan notes state that reclamation will include grading and re-contouring using strippings, overburden, and topsoil to a condition that allows for the re-establishment of natural vegetation. Slopes steeper than 2:1 will be seeded.

The applicant estimates a life span of 25 years for the site with an approximate annual quantity of less than 50,000 cubic yards.

PUBLIC NOTICE: Public notice of the application was mailed on April 20, 2022 to the 327 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was sent to the postmaster covering the Kalifornsky area requesting that it be posted at the Soldotna Post Office.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on March 14, 2022.

ATTACHMENTS

- Conditional Land Use Permit application and associated documents
- Aerial map
- Area land use map
- Ownership map
- Contour map

FINDINGS OF FACT

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On March 14, 2022 the applicant, Peninsula Resources LLC, submitted a conditional land use permit modification application to the Borough Planning Department for KPB Parcel 055-072-93, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed cumulative disturbed area within the parcel is approximately 24.59 acres.
6. The proposed extraction meets material site standard 21.29.040(A)(1); "Protects against the lowering of water sources serving other properties", as evidenced by:
 - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
 - B. The submitted site plan indicates that there are no wells located within 100' from the excavation area.
 - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high-water table.
 - D. The site plan indicates that the depth of ground water is greater than 30' below existing ground. The application states that the proposed depth of material extraction will be less than 25'.
 - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
7. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050.
8. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit

condition KPB 21.29.050(10), Dust Control.

9. The existing ingress and egress for the material site is located on Bonita Ave. to Poppy Ridge Rd. A new ingress and egress will be added at the intersection of Forest Wood Ave. and Ravenwood St.
10. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with permit condition KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
11. The site plan and application propose the following buffers:
 - North: No buffer, applicant requesting buffer waiver
 - South: 6 foot earthen berm
 - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
 - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiverThese buffers shall not overlap an easement.
(Requested buffer waivers granted through Resolution 2022-18)

Per section 21.29.050(A)(2)(e), the planning commission at its discretion, may waive the buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary.
12. The applicant indicates that material processing may take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. Any equipment used for conditioning or processing materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.

Per section 21.29.050(A)(3) the planning commission at its discretion, may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.
(Requested processing distance waiver granted through Resolution 2022-18)
13. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone. (See Number 11, above.)
14. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
15. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
16. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
17. A public hearing of the Planning Commission was held on May 9, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

STAFF RECOMMENDATION

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be met and recommends that the Planning Commission approve the modification of the conditional land use permit with listed conditions, and adopt the findings of fact subject to the following:

1. Filing of the PC Resolution in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.
2. The Planning Department is responsible for filing the Planning Commission resolution.
3. The applicant will provide the recording fee for the resolution to the Planning Department.
4. Driveway and roadway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300' of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
 - North: No buffer, applicant requesting buffer waiver
 - South: 6 foot earthen berm
 - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
 - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiverThese buffers shall not overlap an easement.
(Requested buffer waivers granted through Resolution 2022-18)
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or process material at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. (Requested processing distance waiver granted through Resolution 2022-18)
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2' vertical separation from the seasonal high water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. The permittee shall maintain an undisturbed buffer, 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.
10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
12. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment

- requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
 14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
 15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
 16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
 17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
 18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
 19. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
 20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

NOTE: Any party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. A "party of record" is any party or person aggrieved by the decision where the decision has or could have an adverse effect on value, use, or enjoyment of real property owned by them who appeared before the planning commission with either oral or written presentation. Petition signers are not considered parties of record unless separate oral or written testimony is provided (KPB Code 21.20.210.A.5b1). An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the \$300 filing and records preparation fee. (KPB Code 21.25.100)

END OF STAFF REPORT



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

PC Resolution #. _____
App. Complete _____

KPB 21.29 Conditional Land Use Permit Modification Application

For a Sand, Gravel or Material Site

I. APPLICANT INFORMATION

Applicant Peninsula Resources, LLC. Landowner _____

Address 39981 Dodge Court Address _____

City, State, Zip Kenai, AK 99611 City, State, Zip _____

Telephone 907-283-4581 Fax 907-283-6432 Telephone _____ Fax _____

Cell Phone 907-398-6331 Cell Phone _____

Email pencon@alaska.net Email _____

II. CURRENT PERMITTED PARCEL INFORMATION

KPB Tax Parcel ID# 055-072-93 Township _____ Range _____ Section _____

Subdivision _____ Lot _____ Block _____ Parcel acreage _____

Legal Description T 05N R 11W SEC 25 SEWARD MERIDIAN KN 2020018 KALIFORNSKY CENTER SUB TRACT A-1A

III. INFORMATION/DOCUMENTATION "Check" boxes below to indicate items included.

☒ \$300.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)

☒ Site Plan Diagram, to scale, showing:

☒ parcel boundaries

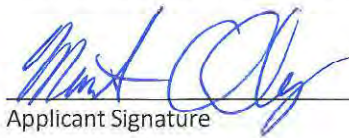
☒ existing required buffers

- ☒ existing and/or proposed processing area(s)
- ☒ all encumbrances on parcel, including easements
- ☒ points of ingress and egress
- ☒ existing permitted extraction area(s)
- ☒ proposed additional extraction area(s) and/or other requested permit modifications(s)
- ☒ a north arrow and diagram scale
- ☒ preparer's name and date

☒ Permit Modification Worksheet (attached)

IV. CERTIFICATION STATEMENT

The information contained on this form and attachments are true and complete to the best of my knowledge. I grant permission for borough staff to enter onto the property for the purpose of processing the permit modification request.


Applicant Signature

3/6/22
Date

Property Owner Signature
(required if not applicant)

Date

Permit Modification Worksheet

Applicant Peninsula Resources, LLC Owner _____

CURRENT PERMITTED KPB Tax Parcel ID # 055-072-93 Parcel Acreage 25.04

1. Reason(s) for requesting permit modification:

- 1) Requesting 50 foot vegetation buffer changed to 6 foot berm buffer on the South property and South West.
- 2) Change phasing and process area.
- 3) Eliminate buffer on North property . (Property is also a material site)
- 4) Eliminate buffer on West property that adjoins Parcel 055-072-76. (Property is also a material site)
- 5) Add Ingress/ Egress to Ravenwood Street.

Please see attached letter.

2. Additional cumulative acres to be disturbed (excavation plus stockpiles,berms, etc.) _____
3. Additional type(s) of material to be mined (circle all that apply): gravel sand peat other SAME
4. Additional equipment to be used (circle all that apply): excavation processing other SAME
5. Modification(s) is requested on current permit buffers: K yes _____ no

CURRENT PERMIT REQUIRED BUFFERS – “check” all types, and circle all directions that apply:

- | | | | | |
|------------------------------------------------------------------------------|------------|------------|------------|------------|
| <input checked="" type="checkbox"/> 50 ft. of natural or improved vegetation | <u>(N)</u> | <u>(S)</u> | E | <u>(W)</u> |
| <input type="checkbox"/> minimum 6 ft. earthen berm | N | S | E | W |
| <input type="checkbox"/> minimum 6 ft. fence | N | S | E | W |
| <input checked="" type="checkbox"/> other <u>Buffer WAIVER</u> | N | S | <u>(E)</u> | W |

MODIFIED BUFFER REQUEST, if applicable – “check” all types, and circle all directions that apply:

- | | | | | |
|-------------------------------------------------------------------|------------|------------|------------|-----------------------|
| <input type="checkbox"/> 50 ft. of natural or improved vegetation | N | S | E | W |
| <input checked="" type="checkbox"/> minimum 6 ft. earthen berm | N | <u>(S)</u> | E | <u>(W)</u> South West |
| <input type="checkbox"/> minimum 6 ft. fence | N | S | E | W |
| <input checked="" type="checkbox"/> other <u>Buffer WAIVER</u> | <u>(N)</u> | S | <u>(E)</u> | <u>(W)</u> North West |

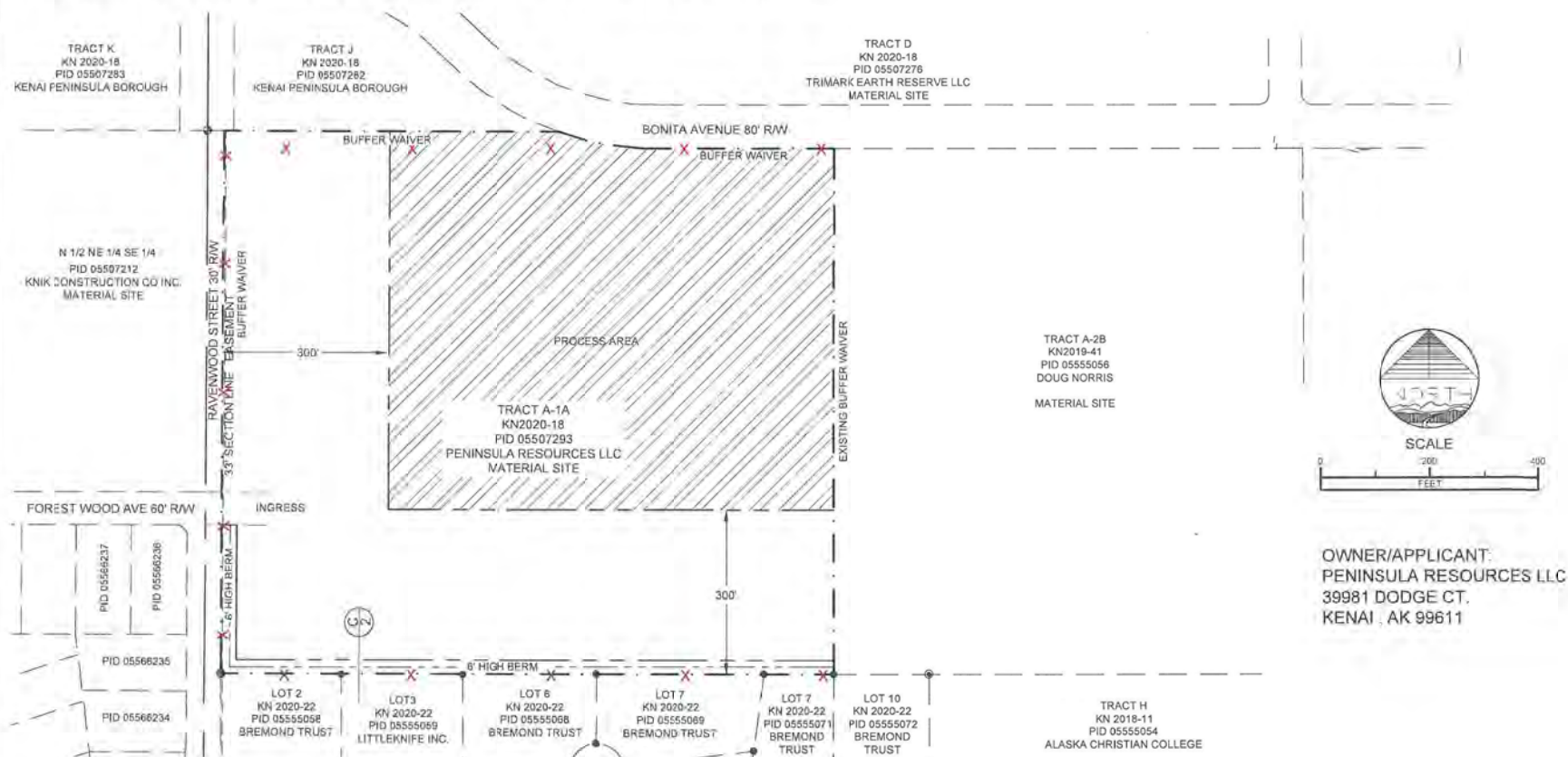
6. Permit modification is requested due to subdivision of originally permitted parcel? _____ yes ✓ no
7. Permit modification to enter the water table is requested? _____ yes X no
8. Additional excavation depth beyond permitted depth: 0 ft.
Depth to groundwater: 730 ft.

9. Voluntary permit conditions proposed (additional buffers, dust control, limited hours of operation, etc.):

- A. _____
- B. _____
- C. _____

224008

PERMIT MODIFICATION CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE



LEGEND

- RECORD MONUMENT
- PROPERTY CORNERS
- INGRESS/EGRESS
- PROPERTY BOUNDARY
- INTERVISIBLE FLAGGING (2016)

NOTES:

1. THIS PERMIT APPLICATION MODIFICATION IS FOR KPB PARCEL 05555042; T5N R11W SECTION 25 SEWARD MERIDIAN BREMOND FARM ESTATES NORRIS ADDITION TRACT A-1.
2. PROPOSED PERMIT MODIFICATIONS ARE SHOWN HEREON. THEY INCLUDE MODIFICATIONS TO BUFFERS, CHANGE OF PROCESS AREA, AND ADDITIONAL INGRESS AND HAUL ROUTE.

REV	DATE	DESCRIPTION

BREMOND FARM ESTATES
NORRIS ADDITION TRACT A-1
CONDITIONAL LAND USE PERMIT MODIFICATION
FIELD BOOK NO. 15-15
JOB NO. 224008
FEBRUARY 02, 2016

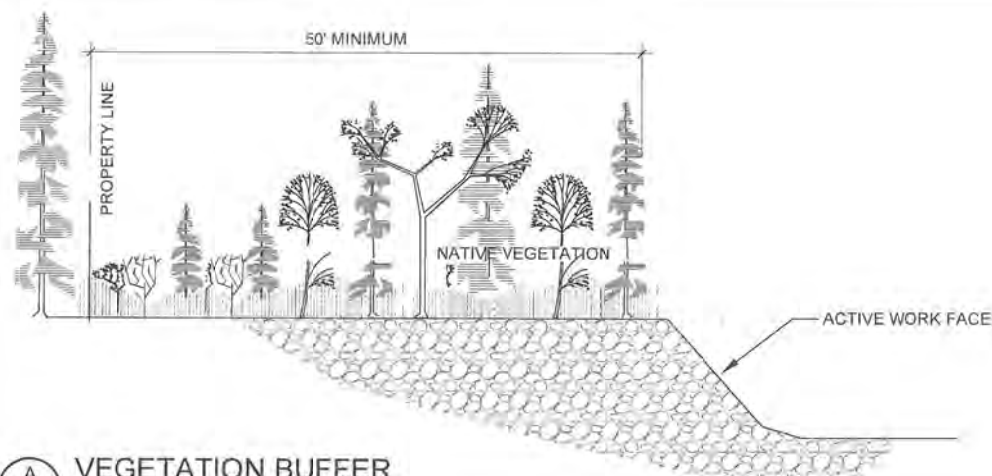


McLANE
Consulting Inc.

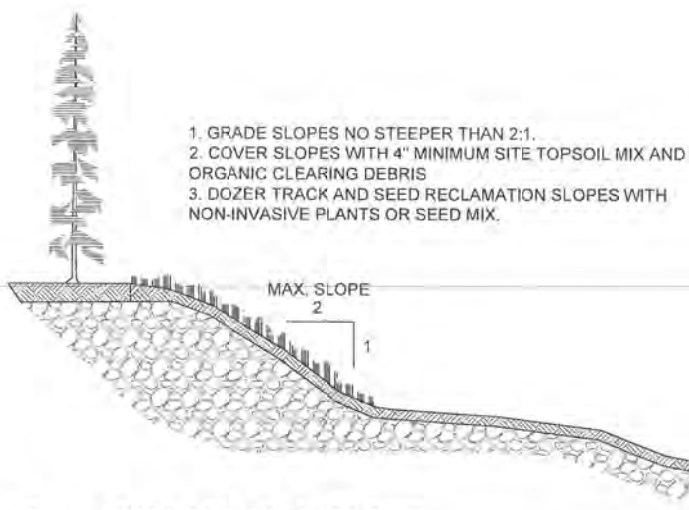
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 448
SOLDOTNA, AK 99688
VOICE: (907) 283-4218
FAX: (907) 283-4281
WWW.MCLANECO.COM

DRAWN BY:	SIZE:
CHECKED BY:	DATE:
HORIZ. SCALE:	1" = 200'
VERT. SCALE:	1" = 10'
SHEET:	1

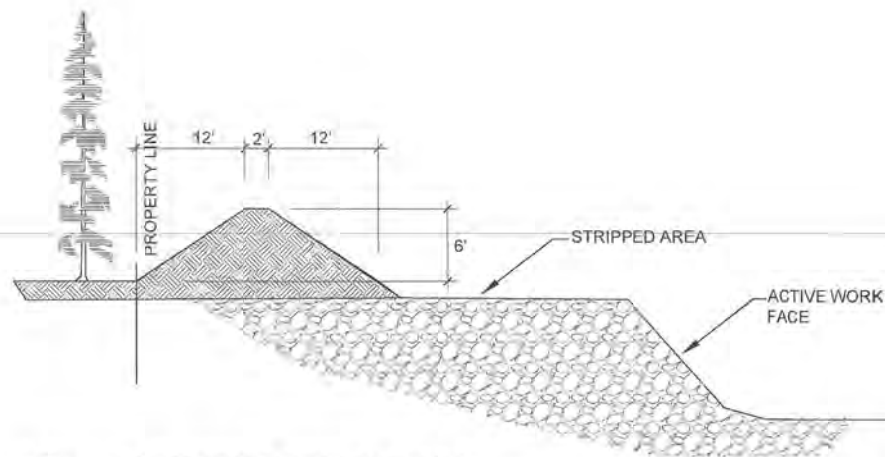
224008



A
2 **VEGETATION BUFFER**
SCALE: 1" = 10 FT.



B
2 **RECLAMATION SLOPE**
SCALE: 1" = 10 FT.



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

REV	DATE	DESCRIPTION	BY
1	2/7/2008	PERMIT MODIFICATION	DMC
2	2/24/08	ISSUE FOR CONSTRUCTION	DMC

BREMOND FARM ESTATES
NORRIS ADDITION TRACT A-1
CONDITIONAL LAND USE PERMIT MODIFICATION
FIELD WORK DATE: FEBRUARY 22, 2008
FIELD BOOK NO: 15-45
JOB NO: 224008



Consulting Inc.

ENGINEERING • TESTING
SURVEYING • MAPPING
P.O. BOX 448
SOLDOTNA, AK 99601
VOICE: (907) 293-4215
FAX: (907) 293-3261
WWW.MCLANECO.COM

DRAWN BY: BDR

CHECKED BY: DMD

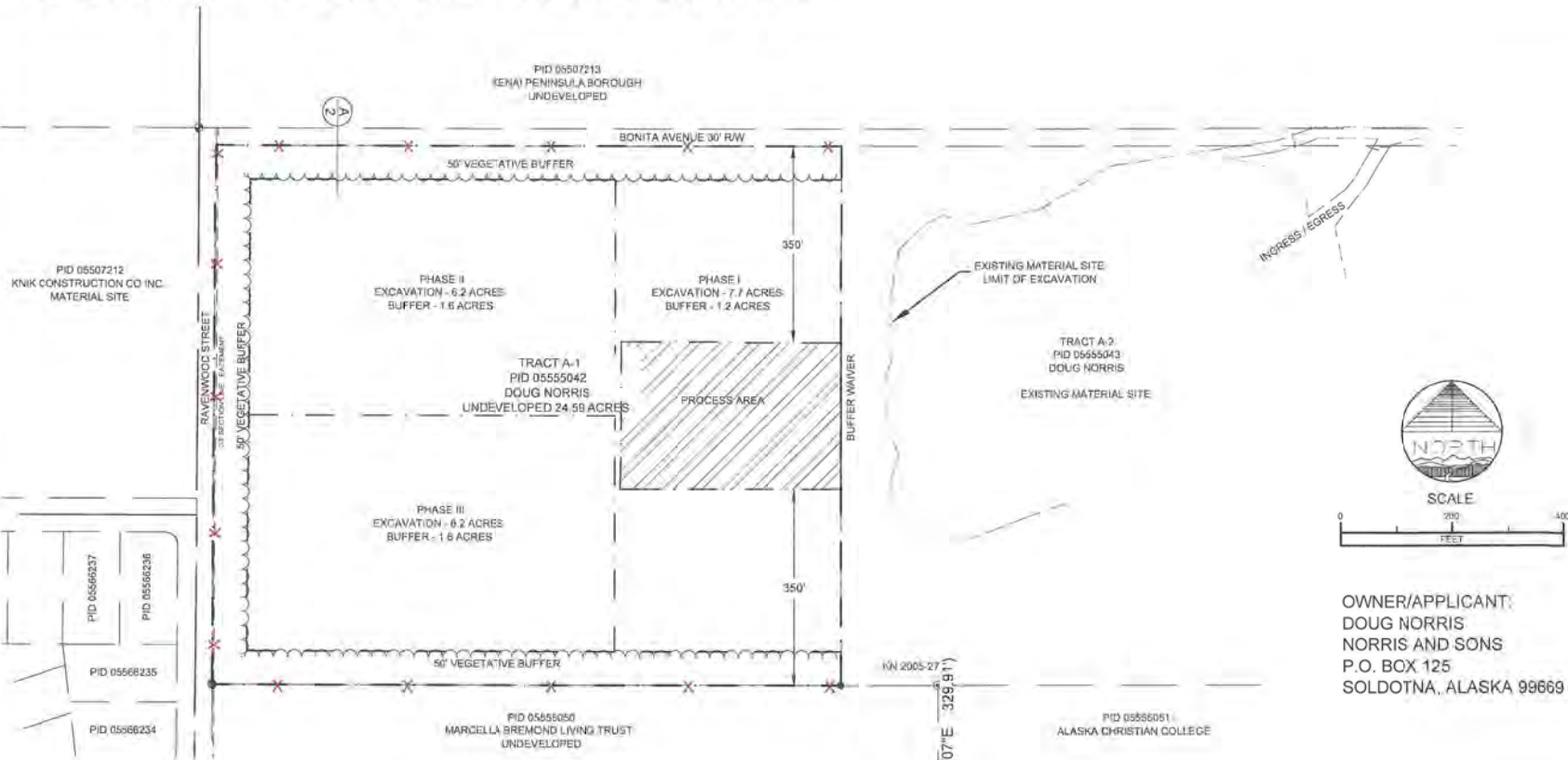
HORIZ. SCALE: 1" = 20'

VERT. SCALE: N/A

SHEET: 2

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

164017



LEGEND

- RECORD MONUMENT
- PROPERTY CORNERS
- INGRESS/EGRESS
- PROPERTY BOUNDARY
- INTERVISIBLE FLAGGING
- WATER WELL
- 100' WELL SETBACK
- 300' WELL SETBACK

NOTES:

1. THIS PERMIT APPLICATION IS FOR KPB PARCEL 05555042; T5N R11W SECTION 25 SEWARD MERIDIAN BREMOND FARM ESTATES NORRIS ADDITION TRACT A-1.
2. THE PARCEL IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION. THERE IS A MATERIAL SITE TO THE IMMEDIATE EAST AND WEST, AND UNDEVELOPED PARCELS TO THE NORTH AND SOUTH.
3. THE PREFERRED BUFFERS ARE 50' VEGETATIVE BUFFERS TO THE NORTH, WEST AND SOUTH, AS SHOWN. THE PREFERRED BUFFERS MEET OR EXCEED KPB ORDINANCE. A BUFFER WAIVER IS REQUESTED OF THE EAST SIDE OF THE PROPOSED SITE AS THIS PARCEL BOUNDARY ADJOINS AN EXISTING MATERIAL SITE OF THE SAME OWNERSHIP.
4. THERE ARE NO WATER WELLS WITHIN 100' OR 300' OF THE EXCAVATION AREA. THE RESIDENTIAL HOMES TO THE SOUTHWEST ARE ON A COMMUNITY WATER SYSTEM LOCATED >1000' TO THE SOUTHWEST. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
5. THERE ARE NO WATERBODIES, RIPARIAN WETLANDS OR SURFACE WATERS WITHIN THE PROPERTY BOUNDARIES OR THE THE PROPOSED WORK AREA. SURFACE WATER PROTECTION IS NOT NECESSARY.
6. GROUNDWATER IS ESTIMATED AT >30' BELOW EXISTING GROUND. THIS ESTIMATE IS FROM EXPLORATION ON THE ADJACENT PROPERTY.
7. THE MATERIAL SITE INGRESS/ EGRESS AND HAUL ROUTE IS BONITA AVENUE TO POPPY RIDGE ROAD.
8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEEDED.
9. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY BEGINNING AT THE EASTERLY LIMITS AND PROCEEDING WESTERLY. PROPOSED PROCESS AREA IS SHOWN.
10. THE PROPERTY CORNERS WERE LOCATED. THE SECTION LINE EASEMENT ON THE WEST BOUNDARY AND THE PARCEL BOUNDARY ON THE NORTH AND SOUTH HAS BEEN FLAGGED AT VISIBLE INTERVALS.



REV	DATE	DESCRIPTION

BREMOND FARM ESTATES
NORRIS ADDITION TRACT A-1
CONDITIONAL LAND USE PERMIT



McLANE
Consulting Inc.
ENGINEERING TESTING
SURVEYING MAPPING
P.O. BOX 488
SOLDOTNA, AK 99669
VOICE: (907) 293-4295
FAX: (907) 293-5085
WWW.MCLANECG.COM

DRAWN BY:	SCB
CHECKED BY:	GMD
HORIZ. SCALE:	1" = 20'
VERT. SCALE:	N/A
SHEET:	1

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•
•
•
•

39981 Dodge Court
Kenai, AK 99611
Telephone 283-4581
Fax 283-6432

Peninsula Construction, Inc.

March 7, 2022

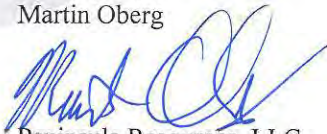
Kenai Peninsula Planning Department
144 N. Binkley Street
Soldotna, AK 99669

Peninsula Resources, LLC is making the following requests to our Conditional Land Use Permit 2016-11, please see attached application and drawing.

The reason for the request is the change of status of properties around Parcel 05507293 that is a material site 2016-11.

- 1) Change 50-foot Vegetation Buffer to Earthen Berm on the South and South West corner of permitted material site. This area was undeveloped when material site was permitted, now that it is an approved subdivision Bremond Trust, we feel that a berm would be a better buffer.
- 2) Change process area and phasing to be better aligned with changing ownership and usage of surrounding properties.
- 3) Eliminate buffer on the North side of material site. Property to the North was sold by Kenai Peninsula Borough as a material site.
- 4) Eliminate buffer on West side of Material site. This area adjoins an existing material site PID 0550212.
- 5) Add Ingress / Egress to Ravenwood Street.

Thank you,
Martin Oberg



Peninsula Resources, LLC
39981 Dodge Court
Kenai, AK 99611

907-283-4581 Office
907-283-6432 Fax
907-398-6331 Cell

• • • • •

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-18
KENAI RECORDING DISTRICT**

A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel described AS T5N R11W SECTION 25 S.M. KALIFORNSKY CENTER SUBDIVISION TRACT A-1A, Kenai Recording District., Third Judicial District, State of Alaska.

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.29 provides that a conditional land use permit is required for material extraction which disturbs more than 2.5 cumulative acres; and
- WHEREAS,** on March 14, 2022 the applicant, Peninsula Resources LLC, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 055-072-93, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before March 20, 2022 to the 327 landowners or leaseholders within ½ mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice was sent to the postmaster in Kalifornsky area requesting that it be posted at the Soldotna Post Office; and
- WHEREAS,** public notice of the application was published in the April 28th 2022 & May 5th 2022 issues of the Peninsula Clarion; and
- WHEREAS,** a public hearing was held at the May 9, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Planning Commission makes the following findings of fact pursuant to KPB 21.25 and 21.29:

Findings of Fact

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On March 14, 2022 the applicant, Peninsula Resources LLC, submitted a conditional land use permit modification application to the Borough Planning Department for KPB Parcel 055-072-93, which is located within the rural district.

4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed cumulative disturbed area within the parcel is approximately 24.59 acres.
6. The proposed extraction meets material site standard 21.29.040(A)(1); "Protects against the lowering of water sources serving other properties", as evidenced by:
 - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
 - B. The submitted site plan indicates that there are no wells located within 100' from the excavation area.
 - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high-water table.
 - D. The site plan indicates that the depth of ground water is greater than 30' below existing ground. The application states that the proposed depth of material extraction will be less than 25'.
 - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
7. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050.
8. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
9. The existing ingress and egress for the material site is located on Bonita Ave. to Poppy Ridge Rd. A new ingress and egress will be added at the intersection of Forest Wood Ave. and Ravenwood St.
10. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with permit condition KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
11. The site plan and application propose the following buffers:
 - North: No buffer, applicant requesting buffer waiver
 - South: 6 foot earthen berm
 - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
 - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver

These buffers shall not overlap an easement.
(Requested buffer waivers granted through Resolution 2022-18)

Per section 21.29.050(A)(2)(e), the planning commission at its discretion, may waive the buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary.
12. The applicant indicates that material processing may take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. Any equipment used for conditioning or processing materials will not be operated between 10:00 p.m.

and 6:00 a.m., to minimize noise disturbance to other properties.

Per section 21.29.050(A)(3) the planning commission at its discretion, may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.

(Requested processing distance waiver granted through Resolution 2022-18).

13. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone. (See Number 11, above.)
14. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
15. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
16. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
17. A public hearing of the Planning Commission was held on May 9, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

Section 2. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the six standards found in KPB 21.29.040:

Regulations and Standards for 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.

1. Material site standard 21.29.040(A)(1) is met because the seasonal high-water table is greater than 30 feet below the surface, and the applicant's intended depth of excavation is 25 feet below the existing grade, as set forth in number 6(C) and (D), above.
2. Material site standard 21.29.040(A)(2) is met because there is no evidence in the record to indicate that physical damage will occur to any other properties as a result of the operations of a material site at this location.
3. Material site standard 21.29.040(A)(3) is met because the permittee will use water and calcium chloride on the driveways throughout the excavation area to minimize the movement of off-site dust.
4. Material site standard 21.29.040(A)(4) is met because site plan indicates the following noise buffers:
 - North: No buffer, applicant requesting buffer waiver
 - South: 6 foot earthen berm
 - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
 - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver

(Requested buffer waivers granted through Resolution 2022-18)

The Planning Commission deems the 50 feet buffer of natural vegetation alone to be sufficient to provide noise screening. Material site standard 21.29.040(A)(4) is also met, because any equipment used for conditioning or processing materials will be operated at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver from the 300-foot

processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. Any equipment used for conditioning or processing materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties. (Requested processing distance waiver granted through Resolution 2022-18).

5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:
 - North: No buffer, applicant requesting buffer waiver
 - South: 6 foot earthen berm
 - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
 - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiver(Requested buffer waivers granted through Resolution 2022-18)
6. Material site standard 21.29.040(A)(6) is met because the applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).

SECTION 3. That the land use and operations are described and shall be conducted as follows:

- A. A portion of KPB Tax Parcel Number 055-072-93. The disturbed area within the parcel is approximately 24.59 acres
- B. Legal Description: **T5N R11W SECTION 25 S.M. KALIFORNSKY CENTER SUBDIVISION TRACT A 1A**, Kenai Recording District, Third Judicial District, State of Alaska.
- C. The applicant, Peninsula Resources, LLC, proposes to:
 1. Extract gravel and sand from the subject parcel;
 2. Reclaim the site to a stable condition upon depletion of material.

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300' of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
 - North: No buffer, applicant requesting buffer waiver
 - South: 6 foot earthen berm
 - East: No Buffer, existing buffer waiver granted through Resolution 2016-11
 - West: 6 foot earthen berm, South of Forest Wood Ave. No buffer North of Forest Wood Ave. applicant requesting buffer waiverThese buffers shall not overlap an easement.
(Requested buffer waivers granted through Resolution 2022-18)
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or process material at least 300 feet from the South and West parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the North side of the property. An existing 300-foot processing distance waiver has already been granted on the East side of the property through Resolution 2016-11. (Requested processing distance waiver granted through Resolution 2022-18)
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2' vertical separation from the seasonal high water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.

9. The permittee shall maintain an undisturbed buffer, 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.
10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
12. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
19. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON
THIS _____ DAY OF _____, 2020.

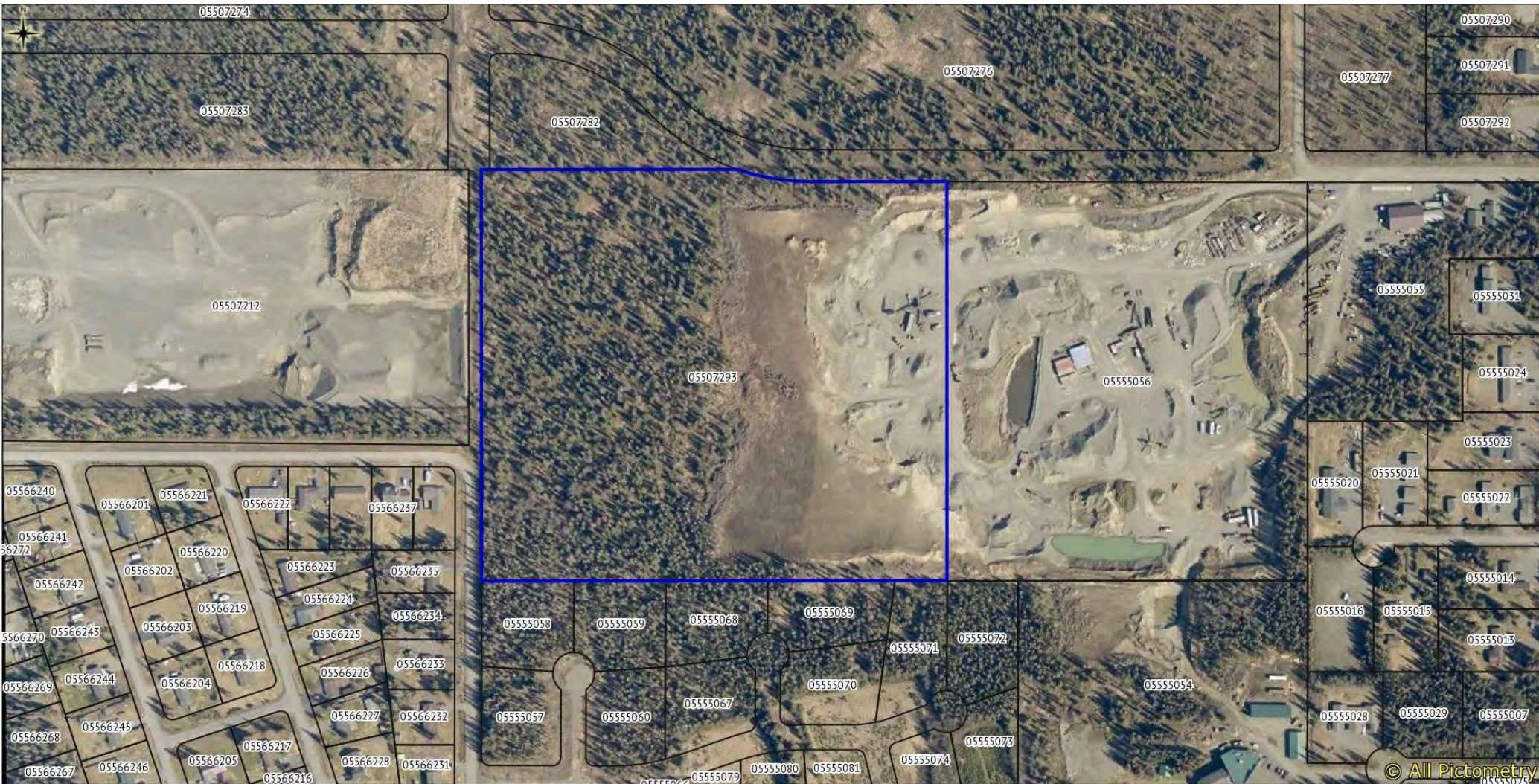
Blair Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

PLEASE RETURN
Kenai Peninsula Borough
Planning Department
144 North Binkley St.
Soldotna, AK 99669

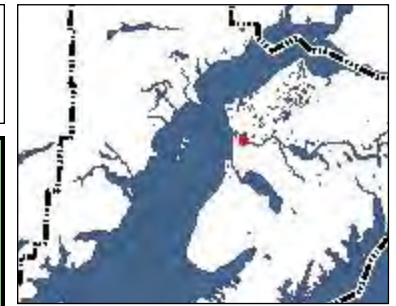
Aerial Map: 055-072-93



05/23/2021



Ownership Map: 055-072-93



Legend

- Mileposts
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Ownership
 - Borough
 - Federal
 - Municipal
 - Native
 - Native Allotment
 - Private
 - State
- Boundary
- Footprint
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue
- Boundary
- Footprint
- Image
 - Red: Red
 - Green: Green



Notes

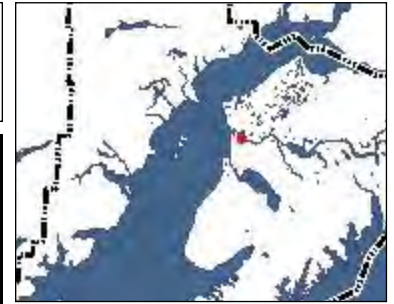
Enter map notes here.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/28/2022



Area Land Use Map: 055-072-93



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels
- Material Sites
 - Conditional Land Use Permit
 - Counter Permit
 - Dewatered Bar Exemption
 - Prior Existing Use
- Boundary
- Footprint
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue
- Boundary
- Footprint
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



Notes

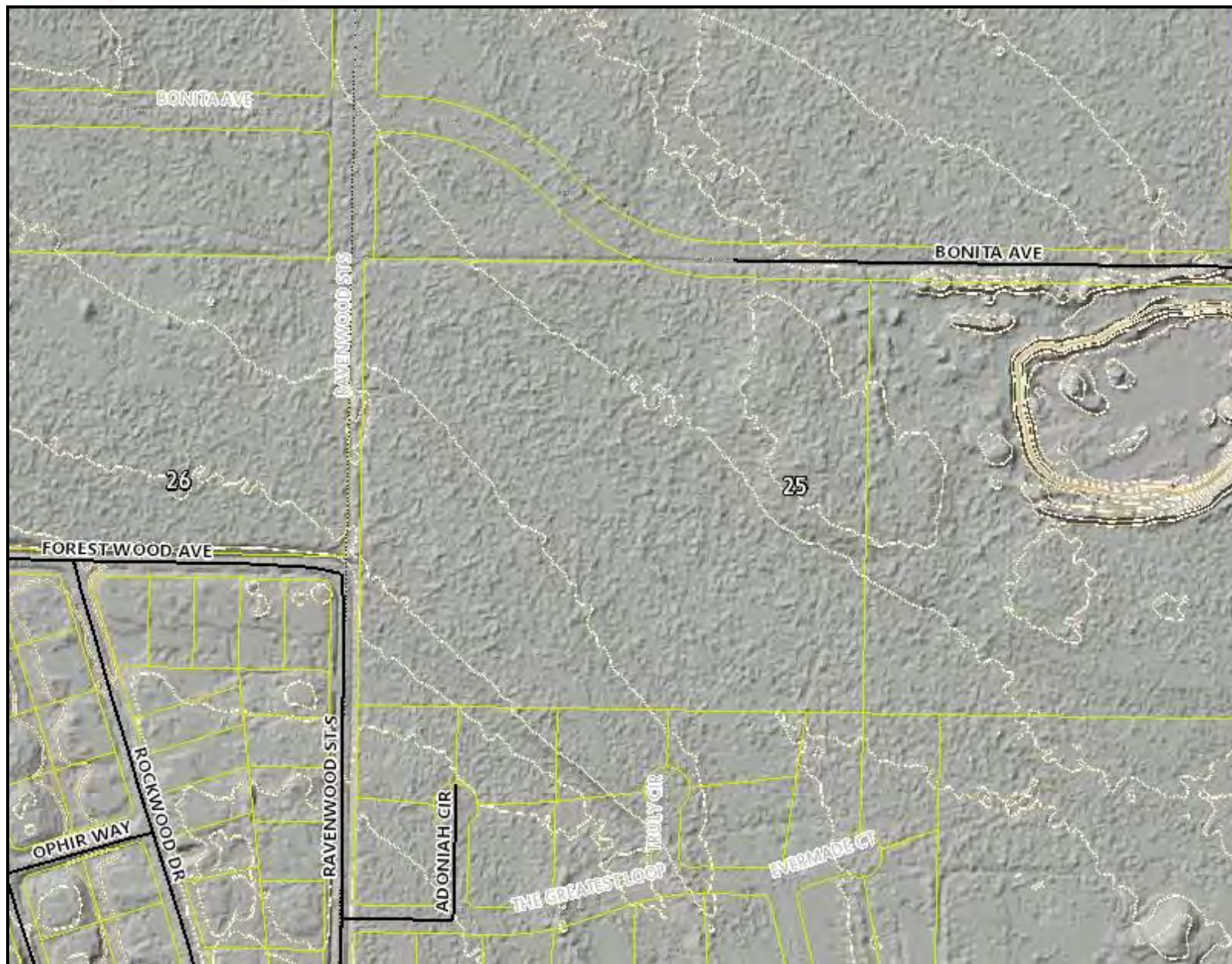
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DATE PRINTED: 3/28/2022



Contour Map: 055-072-93



Legend

- Major Roads
- [] Township Lines
- [] Section Lines
- [] Parcels
- Click for LiDAR info - Seward
 - High : 2600
 - Low : 0
- Click for LiDAR elevation info
 - High : 2600
 - Low : 0
- Hillshade
 - High : 254
 - Low : 0
- Hillshade Seward
 - High : 254
 - Low : 0
- HillshadeEast
 - High : 254
 - Low : 0



Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/28/2022



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

«OWNER»
«ATTENTION»
«ADDRESS»
«CITY», «STATE» «ZIP»

KENAI PENINSULA BOROUGH PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

Public notice is hereby given that a conditional land use permit modification application has been received for material extraction on a parcel in the Kalifornsky Beach area. This notice is being sent to landowners located within 2640 feet of the subject property. All members of the public are invited to comment. The projects under consideration are described as follows:

Applicant: Peninsula Resources, LLC

Landowner: Peninsula Resources, LLC

Parcel Number: 055-072-93

Legal Description: T5N R11W Section 25 S.M. Kalifornsky Center Subdivision Tract A-1A

Location: Ravenwood St. & Bonita Ave.

Proposed Land Use: The applicant wishes to obtain a permit modification for sand and gravel extraction on a portion of the parcel listed above.

KPB Code: Conditional land use permit applications for material extraction are reviewed in accordance with KPB Code 21.25 and 21.29. Copies of these ordinances are available from the Planning Department or on the KPB website at: borough.kenai.ak.us

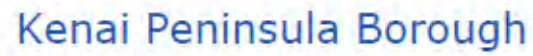
Public Hearing: A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday May 9, 2022** commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held in the assembly chambers of the borough administration building located at 144 N. Binkley Street, Soldotna, Alaska and through Zoom, **Meeting ID 907 714 2200**. To attend the Zoom meeting via computer, visit : <https://us06web.zoom.us/j/9077142200>. To attend by telephone call toll free **1-888-788-0099 or 1-877-853-5247**.

Public Comment: Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99669. A statement addressed to the chairman may also be emailed to: rraidmae@kpb.us, or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, May 6, 2022.** Persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

For additional information about this application, please call the planning department at (907) 714-2200, or 1-800-478-4441 (toll free within the Kenai Peninsula Borough).

Ryan Raidmae
KPB Planner **Ph:** (907) 714-2462

Please turn over for map.



3/21/2022 2:57

