

E. NEW BUSINESS

3. Conditional Land Use Permit

Materials Processing; PC Resolution 2022-21

Location: 27083 Seward Hwy., Seward; PIN 125-090-28

Applicant/Landowner: Colaska Inc. - QAP

Moose Pass Area

Conditional Land Use Permit for a Material Site

STAFF REPORT

PC MEETING: May 23, 2022

Applicant: Colaska Inc. - QAP
Landowner: Colaska Inc.
Parcel Number: 125-090-28
Legal Description: T3N R01E Sec 18 Seward Meridian SW 2011016 Renfro's Lakeside Retreat NO 6 LOT 2F EXC THAT PTN Conveyed to State of AK DOT IN WD 2017-633
Location: 27083 Seward Hwy, Seward, AK 99664

BACKGROUND INFORMATION: The applicant wishes to obtain a permit for materials processing on a portion of the parcel listed above.

The submitted site plan indicates that the material haul route will directly access the Seward Highway a State of Alaska maintained facility. The new ingress/egress will be constructed on the Eastside of the parcel which will allow access to the highway.

The site plan and application proposes the following buffers:

North: 50-foot native vegetation
South: 50-foot native vegetation
East: 50-foot native vegetation
West: 50-foot native vegetation

The subject property is bordered on the North and Southeast sides by occupied private property. On the Northeast and West sides of the property are the Right of Ways of the Seward Highway and Alaska Railroad Cooperation.

The site plan completed by McLane Consulting Inc., claims ground water is deeper than 10' below the existing surface based on 5 test holes. Existing wells adjacent to the property collect groundwater from a depth of 42' to 52' based on data from ADNRS WELTS. Monitor wells have not been installed at the site. The application states that no excavation of material is planned for this site, but suitable material is found to a depth of 10'. Plan notes state that there are no wet lands or surface waters within the property boundaries. A central area will be maintained for processing, screening, crushing and making asphalt pavement. This processing area is greater than 300' from all property lines except the Western line. The site plan shows that the Western property line is 157' from the processing area. The applicant requests a waiver from the 300' processing distance on the West side of the property due to the approximately 180' of adjacent Rail Road Right of Way. Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan also indicates 2 wells located 100' and 300' from the posed use area.

Plan notes state that reclamation will include stabilization of the gravel pad and re-contouring using strippings, overburden, waste import and topsoil to a condition that allows for the re-establishment of natural vegetation outside the gravel pad area. Slopes steeper than 2:1 will be seeded. The application also states that 2-5 acres will be reclaimed each year and reclamation will be completed annually before the growing seasons ends.

The applicant estimates using the site as a processing, storage and laydown facility for 4 years.

PUBLIC NOTICE: Public notice of the application was mailed on May 2, 2022 to the 47 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was sent to the postmaster covering the Primrose area of Moose Pass requesting that it be posted at the Moose Pass Post Office.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on March 31, 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 31, 2022 the applicant, Colaska Inc - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-090-28, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material processing.
5. The proposed cumulative disturbed area within the parcel is approximately 15.6 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 is one well located within 100' from the disturbed area, but no material extraction is proposed within the property boundaries.
 - 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 10' below existing ground and no material extraction is proposed within the property boundaries.
 - 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. An ingress and egress will be constructed for access to the property that will lead directly to the Seward Highway an Alaska Department of Transportation maintained facility.

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: 50-foot native vegetation
 - South: 50-foot native vegetation
 - East: 50-foot native vegetation
 - West: 50-foot native vegetationThese buffers shall not overlap an easement.
12. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other 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 2022-21)
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 23, 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 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: 50-foot native vegetation
 - South: 50-foot native vegetation
 - East: 50-foot native vegetation
 - West: 50-foot native vegetationThese buffers shall not overlap an easement.
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 North, East and South parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the West side of the property. (Requested processing distance waiver granted through Resolution 2022-21)
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

KPB 21.29

Conditional Land Use Permit Application

For a Sand, Gravel or Material Site

I. APPLICANT INFORMATION

Applicant Colaska Inc. DBA QAP c/o Nick Staller Landowner Colaska Inc. DBA QAP
Address 240 W 68th Avenue Address 240 W 68th Avenue
City, State, Zip Anchorage, Alaska 99518 City, State, Zip Anchorage, Alaska 99518
Telephone 907-350-8467 Cell _____ Telephone _____ Cell _____
Email dbelanger@colaska.com Email _____
Agent: McLane Consulting, Inc. Gina DeBardelaben 907-283-4218 ginadebar@mclanecg.com

II. PARCEL INFORMATION

KPB Tax Parcel ID# 12509028 Legal Description T3N R1E Section 18 S.M.
Renfro's Lakeside Retreat No. 6 Lot 2F Excluding that portion conveyed to State of Alaska DOT in WD 2017-633
If permit is not for entire parcel, describe specific location within parcel to be material site, e.g., "N1/2 SW1/4 NE1/4 – 10 acres", or "5 acres in center of parcel".

III. APPLICATION INFORMATION ☒ "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, to scale, prepared by a professional surveyor (licensed and registered in Alaska) showing, where applicable:
- | | |
|--|--|
| <input type="checkbox"/> parcel boundaries | <input type="checkbox"/> location/depth of testholes, and depth to groundwater, if encountered |
| <input type="checkbox"/> location of boundary stakes within 300 ft. of excavation area (to be in place at time of application) | <input type="checkbox"/> location of all wells within 300 ft. of parcel boundary |
| <input type="checkbox"/> proposed buffers, or requested buffer waiver(s) | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands |
| <input type="checkbox"/> proposed extraction area(s), and acreage to be mined | <input type="checkbox"/> surface water protection measures |
| <input type="checkbox"/> proposed location of processing area(s) | <input type="checkbox"/> north arrow and diagram scale |
| <input type="checkbox"/> all encumbrances, including easements | <input type="checkbox"/> preparer's name, date and seal |
| <input type="checkbox"/> points of ingress and egress | |
| <input type="checkbox"/> anticipated haul routes | |
- ☒ Site Plan Worksheet (attached)
- ☒ Reclamation Plan (attached) and bond, if required. Bond requirement does not apply to material sites exempt from bonding requirements pursuant to AS 27.19.050

Please Note: If a variance from the conditions of KPB 21.29 is requested, a variance application must be attached. (A variance is NOT the same thing as a waiver.)

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 application.

DarylBelanger

3/29/2022

Applicant

Date

Landowner (required if not applicant)

Date

Site Plan Worksheet for Conditional Land Use Permit Application

Use additional space provided on next page, if necessary. Indicate item # next to comments.

Applicant Colaska, Inc. DBA QAP Owner Colaska, Inc. DBA QAP

KPB Tax Parcel ID # 12509028 Parcel Acreage 19.13

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 15.6 acres
2. Material to be mined (check all that apply): ☐ gravel ☐ sand ☐ peat ☐ other(list) _____
3. Equipment to be used (check all that apply): ☒ excavation ☒ processing ☐ other _____
4. Proposed buffers as required by KPB 21.29.050.A.2 (check all types and directions that apply):

- ☒ 50 ft. of natural or improved vegetation
☐ minimum 6 ft. earthen berm
☐ minimum 6 ft. fence
☐ other _____

- | | | | |
|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input checked="" type="checkbox"/> E | <input checked="" type="checkbox"/> W |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |

5. Proposed depth of excavation: _____ ft. Depth to groundwater: >12' ft.
6. How was groundwater depth determined? Test holes excavated by applicant to 12' depth
7. A permit modification to enter the water table will be requested in the future: ___ Yes X No
8. Approx. annual quantity of material, including overburden, to be mined: _____ cubic yards
9. Is parcel intended for subdivision? ___ Yes X No
10. Expected life span of site? 4 years
11. If site is to be developed in phases, describe: the excavation acreage, anticipated life span, and reclamation date for each phase: (use additional space on page 4 if necessary)

See attached narrative

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

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

Material Site Reclamation Plan for Conditional Land Use Permit Application

1. All disturbed land shall be reclaimed upon exhausting the material on-site, so as to leave the land in a stable condition.
2. All revegetation shall be done with a “non-invasive” plant species.
3. Total acreage to be reclaimed each year: ****2-5 acres ****at end of ADOT project.
4. List equipment (type and quantity) to be used in reclamation:

Loader, dozer, hydroseeder

5. Describe time schedule of reclamation measures:

Reclamation will be conducted at the completion of the ADOT project and before the growing season ends that year (September). A central gravel pad may be retained. Seeding will be applied to all organic dressed slopes in order to minimize erosion and dust.

6. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every plan – ☒ **“check” all that apply to your plan.**

☒ Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.

☒ The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.

☐ Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.

☒ Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.

☐ Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).

☐ Ponding will be used as a reclamation method. (Requires approval by the planning commission.)

(Please indicate the page and item # for which you are making additional comments.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

KPB 21.29 Conditional Land Use Permit Application

Site Development Plan Narrative

Supplement to Application Page 4 Additional Application Comments

Purpose and Need

QAP is proposing to utilize the 19-acre property (KPB PID 12509028) adjacent to the Seward Highway near MP 20 as a support site for the Alaska DOT&PF's Seward Highway MP 17-22.5 project.

The purpose of this application is to utilize the property to screen and process shot rock produced during the rock excavation operations for the project. This processed material would be used for ditch lining, riprap, aggregate base course, and asphalt aggregates. The processing of materials will be spread out over the 2022, 2023, and 2024 construction seasons, and would not be a continuous operation. QAP intends on setting up a temporary asphalt plant as well to support the 36,000 tons of paving. The asphalt plant would operate as needed over the 3 years of construction to complete the work.

QAP has identified a location in the center of the site greater than 300 feet from the north, east, and south property lines to set up all processing activities. A Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented for the site along with a Hazardous Material Control Plan (HCMP) and a Spill Prevention Control and Countermeasure plan (SPCC) if necessary. Stormwater, sediment, and dust will be controlled using best management practices in conjunction with the work. The site will be shutdown seasonally, stabilized, and gated for security and safety during non-work hours.

The project adjacent to the property does not restrict night work but QAP does not anticipate night shift at this time. Hours of operation are expected to be day shifts from April to November. Processing operations are not intended to run continuously, with operations spread out over three years on a part time basis.

Project Phasing

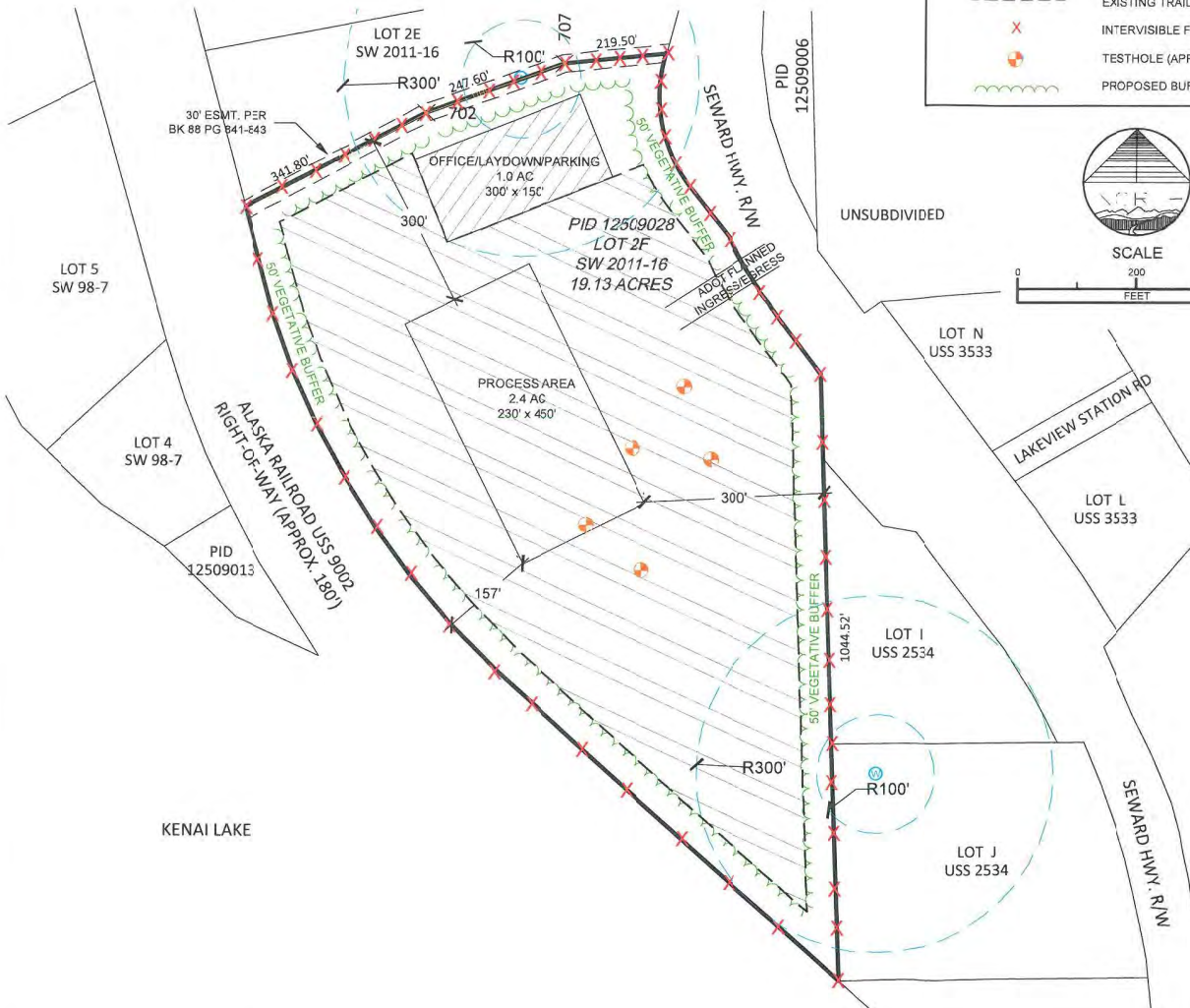
Beginning in spring of 2022, QAP anticipates clearing the property, leaving vegetative buffers around all sides and build an access road and an adequately sized pad to process and stockpile materials in the center of the property. QAP proposes to stockpile shot rock materials and use a motorized screening plant to process ditch lining, riprap, and shot rock fill materials to be incorporated into the project. Fall of 2022 QAP proposes to set up a crusher and begin processing base course and asphalt aggregates.

In 2023, QAP will complete processing the shot rock material, base course, and asphalt aggregates and stockpile for use on the property. An asphalt plant would be set up to facilitate a small portion of paving operations in 2023 with a majority of paving to be completed in 2024. The processing equipment would be removed once all rock processing is complete.

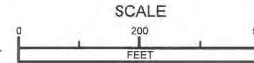
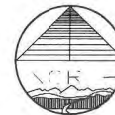
In 2024, once all embankment and surface courses are placed, QAP will pave the remainder of the project which would take roughly 15 shifts. The asphalt plant would be disassembled and removed from the site to be utilized at another location once the project is complete. At the completion of the project, the site would be reclaimed, and all disturbed areas stabilized.

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE KPB PID 12509028

APPLICANT / PROPERTY OWNER:
COLASKA, INC. DBA QAP
240 W 68TH AVE.
ANCHORAGE, AK 99518

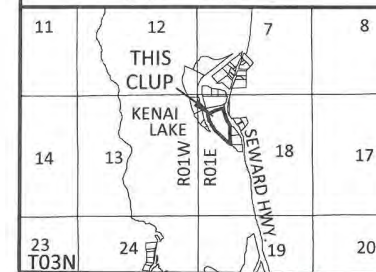


LEGEND	
---	PROPERTY LINE
---	SECTION LINE
+	PRIMARY MONUMENT
o	PROPERTY CORNERS
---	EXISTING TRAIL
x	INTERVISABLE FLAGGING
o	TESTHOLE (APPROX. LOCATION)
---	PROPOSED BUFFER TREELINE



VICINITY MAP

Scale 1" = 1 Mile



CLUP DEVELOPMENT NOTES

1. THIS PERMIT APPLICATION IS KPB PARCEL 12509028, TOWNSHIP 3N, RANGE 01E, SECTION 18 SEWARD MERIDIAN.
2. THIS SITE IS BEING PERMITTED AS A PROCESSING, STORAGE, AND LAYDOWN FACILITY TO BE UTILIZED DURING AN ADOT SEWARD HIGHWAY PROJECT. THE SITE WILL BE CLEARED, GRUBBED AND LEVELED PRIOR TO USE.
3. THE PROPERTY IS UNDEVELOPED AND COVERED IN HEAVY NATIVE VEGETATION.
4. PROPOSED PRIMARY INGRESS/EGRESS IS DIRECTLY TO SEWARD HIGHWAY UTILIZING A NEW APPROACH THAT HAS BEEN DESIGNED BY ADOT.
5. THE PREFERRED BUFFERS ARE 50' (OR GREATER) NATIVE VEGETATION ON ALL SIDES.
6. THERE ARE 2 WELLS LOCATED WITHIN 100' AND WITHIN 300' OF THE CLUP USE AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
7. THERE ARE NO WETLANDS OR SURFACE WATERS.
8. NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
9. TEST HOLES FOUND SUITABLE GRAVELS ENCOUNTERED TO 10' DEPTH WITH UNSUITABLE MATERIAL BELOW 10' DEPTH.
10. GROUNDWATER DEPTH IS NOT KNOWN; IT EXCEEDS THE 10' TESTHOLE DEPTH. ADJACENT WELLS HARVEST GROUNDWATER FROM 42'-53' DEPTH (INFORMATION FROM ADNR WELLS RECORDS). MONITOR WELLS HAVE NOT BEEN INSTALLED.
11. RECLAMATION WILL INCLUDE STABILIZATION OF THE GRAVEL PAD, RECONTOURING USING STRIPPINGS, OVERBURDEN, WASTE IMPORT AND TOPSOIL TO A CONDITION THAT ALLOWS FOR ESTABLISHMENT OF NATURAL VEGETATION OUTSIDE THE GRAVEL PAD AREA. GRADE SLOPES NOT TO EXCEED 2:1 AND SEED.
12. A CENTRAL PROCESSING AREA WILL BE MAINTAINED. THIS PROCESS AREA IS GREATER THAN 300' FROM ALL PROPERTY LINES EXCEPT THE ALASKA RAILROAD RIGHT-OF-WAY.
13. THE PROPERTY CORNERS WERE LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS, AS SHOWN ON THE EXHIBIT.

PROCESS AREA
2.4 ACRES

STOCKPILE AND MATERIAL STAGING
17.9 ACRES W/ BUFFERS

OFFICE/STAGING/PARKING
1.0 ACRES



REV	DATE	DESCRIPTION	BY	DATE	BY
1	12/20/2022	NOTICE OF PERMIT	QAP	12/20/2022	QAP
2	12/20/2022	CLUP APPLICATION	QAP	12/20/2022	QAP

QAP	SEWARD MP 20	CONDITIONAL LAND USE PERMIT	JOB NO. 220006	3/4/21	FIELD BOOK NO.
DATE	12/20/2022	DATE	12/20/2022	DATE	12/20/2022

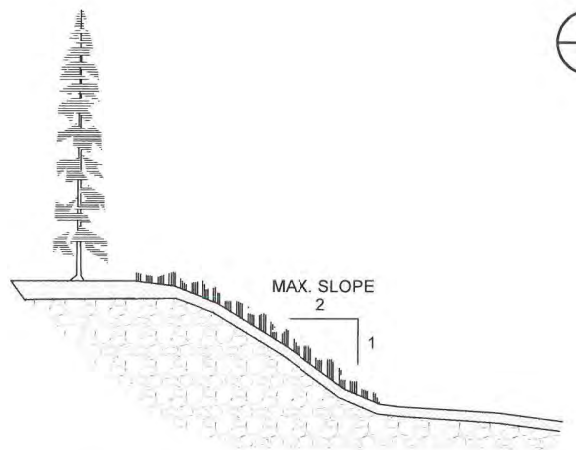
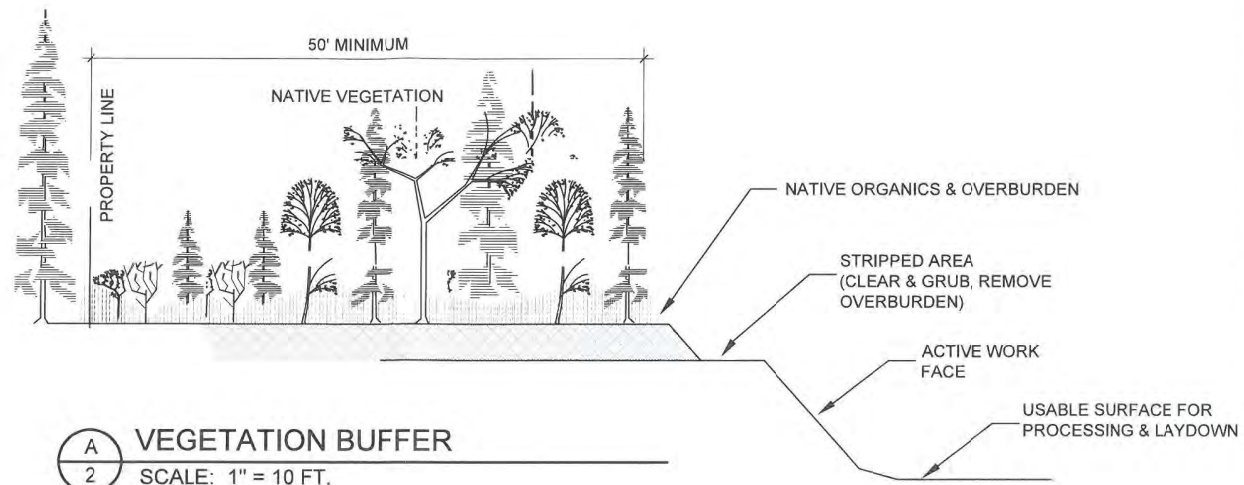


ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3285
WWW.MCLANECO.COM

DRAWN BY: BOB/GMD
CHECKED BY: GMD
HORIZ. SCALE: 1" = 200'
VERT. SCALE: N/A
SHEET: P1 of 2

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE KPB PID 12509028

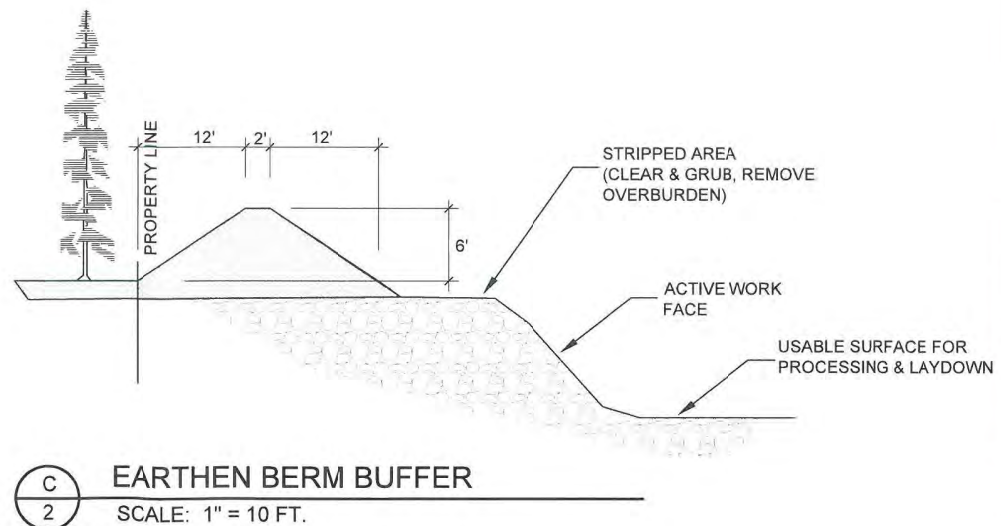
APPLICANT / PROPERTY OWNER:
COLASKA, INC. DBA QAP
240 W. 68TH AVE.
ANCHORAGE, AK 99518



1. GRADE SLOPES NO STEEPER THAN 2:1.
2. COVER SLOPES WITH 4" MINIMUM SITE TOPSOIL MIX AND ORGANIC CLEARING DEBRIS
3. DOZER TRACK AND SEED RECLAMATION SLOPES WITH NON-INVASIVE PLANTS OR SEED MIX.

B
2

RECLAMATION SLOPE
SCALE: 1" = 10 FT.



REV	DATE	DESCRIPTION	BY
1	1/25/2022	NOTES REVISION	GM
2	1/25/2022	CLIP APPLICATION	GM

QAP
SEWARD MP 20
CONDITIONAL LAND USE PERMIT

FIELD BOOK NO. 22-01
JOB NO. 224008
FIELD WORK DATE: FEB 2022



McLANE
Consulting Inc
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
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WWW.MCLANECG.COM

DRAWN BY: BOB/GMD
CHECKED BY: GMD
HORZ. SCALE: 1" = 10'
VERT. SCALE: N/A
SHEET: P2 of 2

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-21
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 T 3N R 01E SEC 18 SEWARD MERIDIAN SW 2011016 RENFRO'S LAKESIDE RETREAT NO 6 LOT 2F EXC THAT PTN CONVEYED TO STATE OF AK DOT IN WD 2017-633, 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 processing; and
- WHEREAS,** on March 31, 2022 the applicant, Colaska Inc - QAP, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 125-090-28, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before May 2, 2022 to the 47 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 the Primrose area of Moose Pass requesting that it be posted at the Moose Pass Post Office; and
- WHEREAS,** a public hearing of the Advisory Planning Commission in Moose Pass was held on May 5, 2022 wherein the Advisory Planning Commission voted to approve the CLUP with stipulations including dust abatement, air quality monitoring, and reduced hours of operation; and
- WHEREAS,** public notice of the application was published in the May 11, 2022 and May 18, 2022 issues of the Seward Journal; and
- WHEREAS,** a public hearing was held at the May 23, 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 31, 2022 the applicant, Colaska Inc - QAP, submitted a conditional land use permit.
4. Application to the Borough Planning Department for KPB Parcel 125-090-28, which is located within the rural district.
5. KPB 21.29 provides that a conditional land use permit is required for material processing. The proposed cumulative disturbed area within the parcel is approximately 15.6 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 is one well located within 100' from the disturbed area, but no material extraction is proposed within the property boundaries.
 - 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 10' below existing ground and no material extraction is proposed within the property boundaries.
 - 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. An ingress and egress will be constructed for access to the property that will lead directly to the Seward Highway an Alaska Department of Transportation maintained facility.
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: 50-foot native vegetation
 - South: 50-foot native vegetation
 - East: 50-foot native vegetation
 - West: 50-foot native vegetationThese buffers shall not overlap an easement.
12. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other 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 2022-21)

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 23, 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 10 feet below the surface, and the applicant's intended depth of excavation is 0 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: 50-foot native vegetation
 - South: 50-foot native vegetation
 - East: 50-foot native vegetation
 - West: 50-foot native vegetation

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 North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
 5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:
 - North: 50-foot native vegetation
 - South: 50-foot native vegetation
 - East: 50-foot native vegetation

- West: 50-foot native vegetation
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 125-090-28. The disturbed area within the parcel is approximately 15.6 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, Colaska Inc - QAP, proposes to:
1. Process materials on the subject parcel;
 2. Reclaim the site to a stable condition upon completion of the project.

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: 50-foot native vegetation
South: 50-foot native vegetation
East: 50-foot native vegetation
West: 50-foot native vegetation
These buffers shall not overlap an easement.
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 North, East and South parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the West side of the property. (Requested processing distance waiver granted through Resolution 2022-21)
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 _____, 2022.

Blair Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

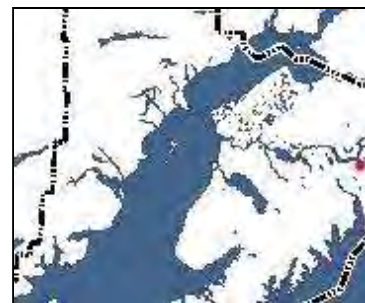
PLEASE RETURN
Kenai Peninsula Borough
Planning Department
144 North Binkley St.
Soldotna, AK 99669

Aerial Map: 125-090-28





Ownership Map: 125-090-28



Legend

- Local Option Zones
- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Ownership
 - Borough
 - Federal
 - Municipal
 - Native
 - Native Allotment
 - Private
 - State
- Material Sites
 - Conditional Land Use Permit
 - Counter Permit
 - Dewatered Bar Exemption
 - Prior Existing Use

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. It is not to be used for navigation.

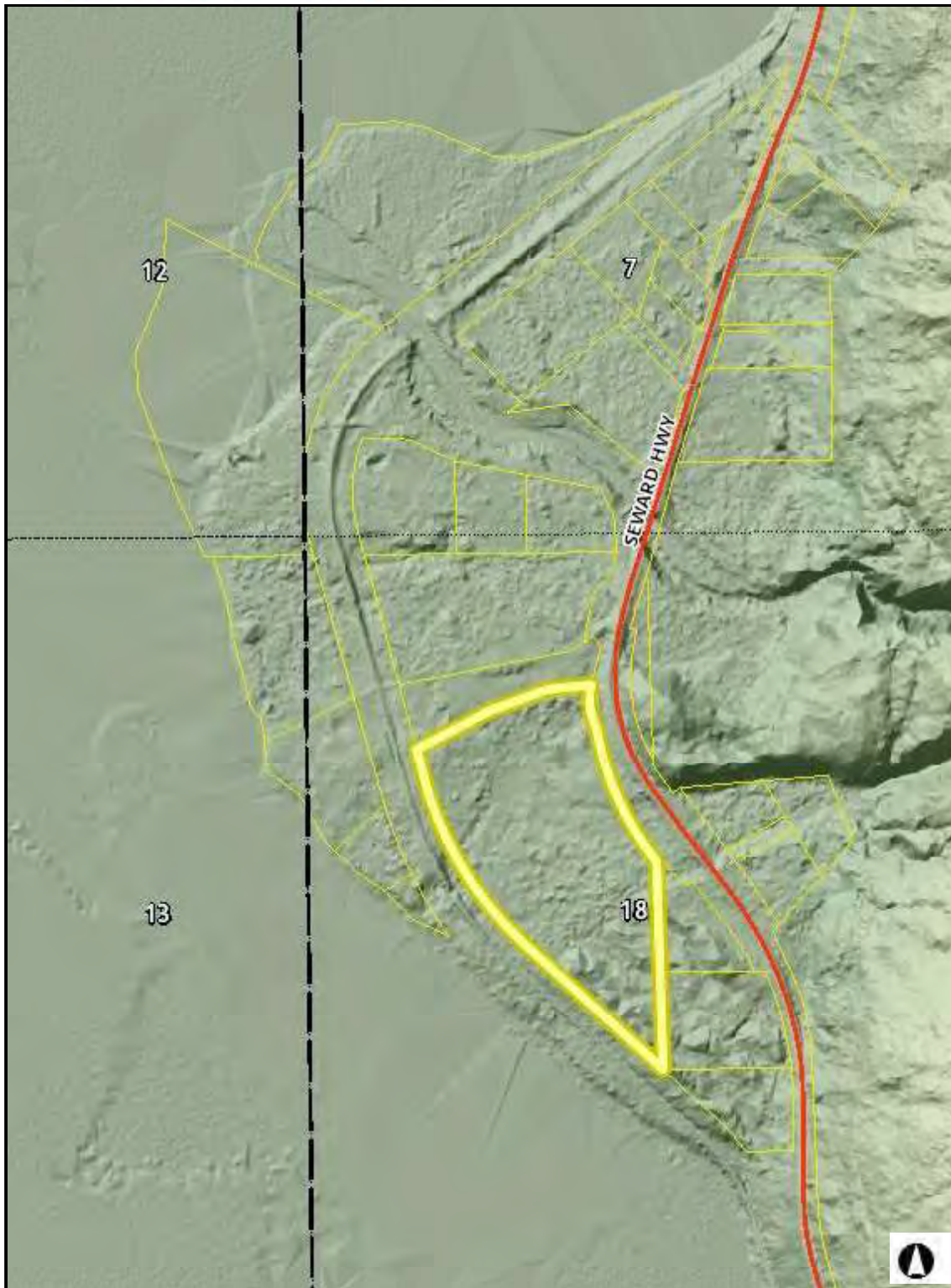
Notes

Type any notes here.

DATE PRINTED: 4/29/2022



Lidar Map: 125-090-28



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

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. It is not to be used for navigation.

Notes

Enter map notes here.

DATE PRINTED: 4/29/2022



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 application has been received for materials processing on a parcel in the Primrose area of Moose Pass. 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: Colaska Inc. - QAP

Landowner: Colaska Inc.

Parcel Number: 125-090-28

Legal Description: T3N R01E Sec 18 Seward Meridian SW 2011016 Renfro's Lakeside Retreat NO 6 LOT 2F EXC THAT PTN Conveyed to State of AK DOT IN WD 2017-633

Location: 27083 Seward Hwy, Seward, AK 99664

Proposed Land Use: The applicant wishes to obtain a permit for materials processing on a portion of the parcel listed above.

KPB Code: Conditional land use permit applications for materials processing 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 23, 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: rmae@kpb.us, or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, May 20, 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).

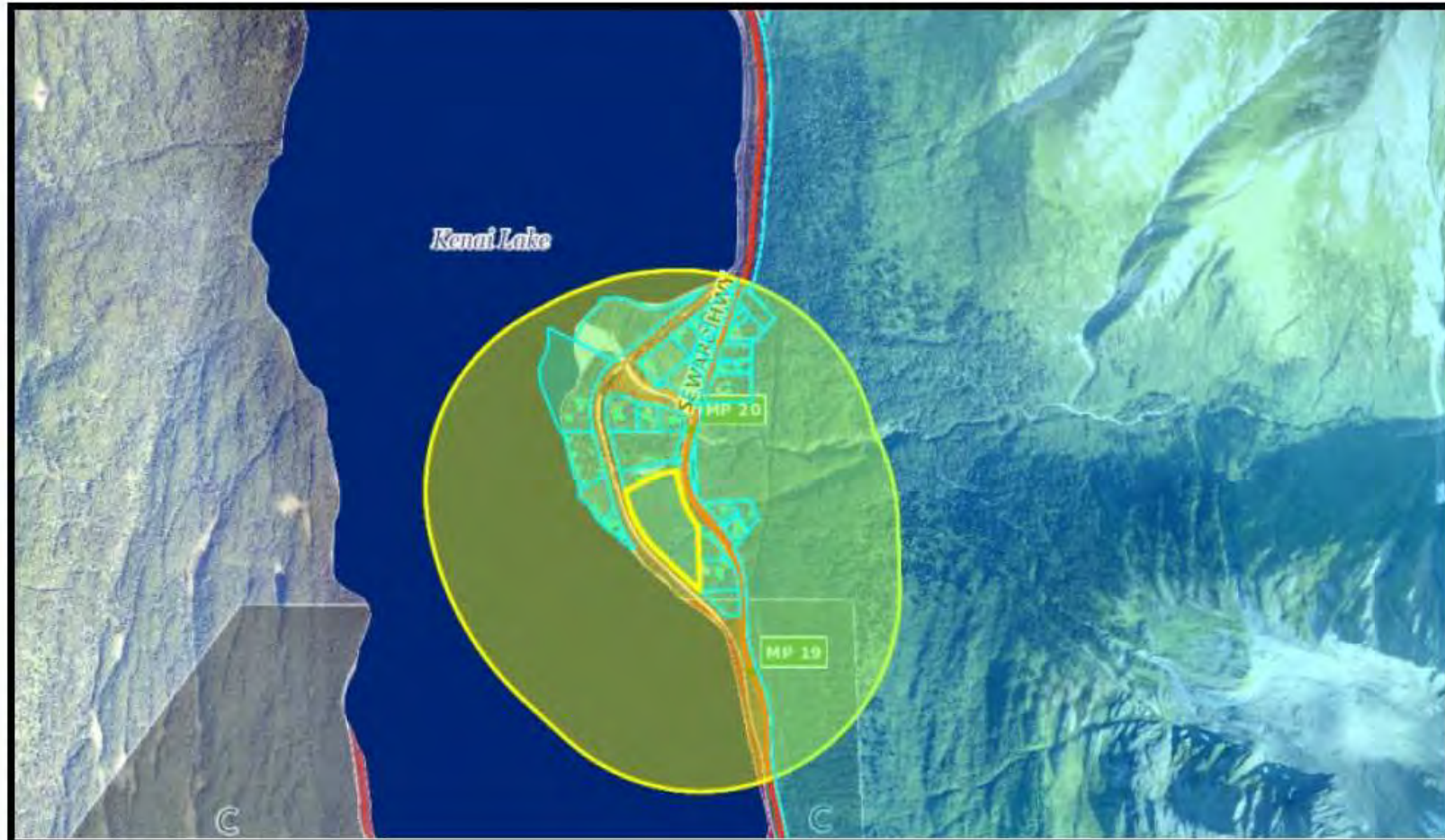
Ryan Raidmae
KPB Planner **Ph:** (907) 714-2462

Please turn over for map.



Kenai Peninsula Borough

Parcels Within 1/2 mile of Proposed Clup 04/28/2022 11:27



MPAPC Unapproved Minutes May 5th, 2022

New Business:

A) Application LAS34020- Moose Pass Adventures Commercial Recreation Camp at Grant Lake

Unanimous approval to support.

B) Land Reclassification (013-042 & 013-092-76) Regarding the reclassification of the 4 lots on Mine Road.

Recommendation to change the classification to Residential rather than Rural. Unanimous approval to recommend Residential classification.

C) Ordinance 2022-____ Authorizing the Sale of Certain Parcels of Borough-Owned Land by Live Outcry Auction ...

Recommended to delay the sale of the 2 lots on Mine Road for at least one year. (Residents are interested in pursuing a Local Option Zone before sale). Unanimous approval to recommend delaying the sale.

D) Ordinance 2022-____ Authorizing Emergency Harvest of Spruce Bark Beetle Impacted Forestlands...

Vote: 6 in favor of supporting the ordinance (Monika Adam, Kevin Dunham, Jeff Estes, Jeff Hetrick, Tsali Janek, David Pearson). 1 against (Bruce Jaffa)

E) Resolution 2022-____ Classifying or Reclassifying Certain Borough-Managed Land in the Moose Pass Area for Transportation and Utility Purposes Associated with a Hydro Project

Vote: 1 in favor of reclassification (Kevin Dunham). 6 Against reclassification (Monika Adam, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson).

This is contrary to our newly amended Moose Pass Comprehensive Plan.

F) ADL Easement 233782 and ADL Easement 233857 to Kenai Hydro LLC

Vote: 1 in favor of recommending issuance of easements (Bruce Jaffa). 6 against recommending issuance of the easements (Monika Adam, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson). Motion failed.

G) Water Rights Application ADL27264 To Kenai Hydro LLC

Vote: 4 in favor of granting water rights (Bruce Jaffa, Kevin Dunham, Jeff Estes, Tsali Janek). 3 opposed (Monika Adam, David Pears, Jeff Hetrick) Motion passed

H) Amendment to Kenai River Comprehensive Plan to remove lands along Upper and Lower Trail Lake from the Management Area

Vote: 1 in favor of the amendment (Bruce Jaffa). 6 Opposed (Monika Adam, Kevin Dunham, Jeff Estes, Jeff Hetrick, Tsali Janek, David Pearson). Motion failed

J) Conditional Use Permit DODT Project MP17-22.5 parcel ID 12509028.

Recommend adding stipulations to the permit limiting hours of operation from 8am to 8pm. To provide for dust abatement and air quality monitoring. Unanimous approval to recommend issuance of permit provided the stipulations are included.

ALASKA
RAILROAD

May 9, 2022

Blair Martin
Kenai Peninsula Borough Planning Commission
144 N Binkley St.
Soldotna, AK 99669

ROW & PUBLIC PROJECTS

TEL 907.265.3026

FAX 907.265.2638

RE: Colaska Inc Application for Materials Processing – Primrose

Dear Mr. Martin:

Thank you for the opportunity to comment on the conditional land use permit application received by the Kenai Peninsula Borough for materials processing on a parcel in the Primrose area of Moose Pass. The parcel identified is between the Seward Highway and the Alaska Railroad Corporation (ARRC) Right-of-Way (ROW).

ARRC's only comment on the proposed use is that the amount of water received on ARRC ROW shall not be changed in quality, quantity, nature, or location without appropriate mitigation for changes in water patterns to the railroad. ARRC requests that Colaska provide the final design elevations and reclamation plan for review.

Should you have any questions, please do not hesitate to contact me at 907.265.3026.

Sincerely,



Kate Dueber
Manager, ROW and Public Projects

Cc: Brian Lindamood, ARRC VP Engineering, Chief Engineer
Mitchell Mohr, ARRC Project Manager, Public Projects
Ryan Raidmae, KPB Planner

DESK PACKET ITEMS

(Items received after the publishing of the meeting packet on 5/13/22)

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-21
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 - East: 50-foot native vegetation
 - West: 50-foot native vegetation

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 North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
 5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:
 - North: 50-foot native vegetation
 - South: 50-foot native vegetation
 - East: 50-foot native vegetation

- West: 50-foot native vegetation
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 125-090-28. The disturbed area within the parcel is approximately 15.6 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, Colaska Inc - QAP, proposes to:
1. Process materials on the subject parcel;
 2. Reclaim the site to a stable condition upon completion of the project.

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: 50-foot native vegetation
South: 50-foot native vegetation
East: 50-foot native vegetation
West: 50-foot native vegetation
These buffers shall not overlap an easement.
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 North, East and South parcel boundaries. The applicant requests a waiver from the 300-foot processing distance on the West side of the property. (Requested processing distance waiver granted through Resolution 2022-21)
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 23RD DAY OF MAY, 2022.

Blair Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

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

From:
Michael & Katharine Glaser
34270 Lakestar Lane
Seward, AK 99664

May 17, 2022

To:
Kenai Peninsula Borough Planning Commission
144 N. Binkley St.
Soldotna, AK 99669

Dear Commissioners,

We are writing to request that the KPB Planning Commission deny and or limit the Conditional Use Permit that has been applied for by Q. A. P. for use of the Mile 19.5 property as a staging area for the Seward Highway Project for Mile 17 – 22.

As residents of the Lakeview Group of Homesites, we are greatly impacted by this project. While we understand the necessity of widening the Seward Hwy, we protest the needless destruction of the large staging area in the middle of our beautiful neighborhood. We would like to mitigate the effects of the project during this operation and in the years to come.

1. Please require Q. A. P. to limit their hours of equipment operation in the staging area.
2. Please require Q. A. P. to maximize the buffer zones around the staging area.
3. Please require Q. A. P. to maximize the berms around the staging area.
4. Please require Q. A. P. to institute a timely notification system for residents as to burning, blasting, and all significant road closures.
5. Please ask Q. A. P. to detail future plans for the staging areas at the end of this 3-year project.
6. Please require Q. A. P. to produce their Environmental Impact Study and their SWPP documents for this lot.
7. Please do not allow screening, washing, or crushing gravel, or asphalt plants at this staging site.
8. Please pursue actions to prevent this from happening in the future in our and other residential areas. This can be accomplished by requiring a prior KPB residential impact review and residential involvement as part of the bid process.

Sincerely,

Michael & Katharine Glaser

Bruce Jaffa

PO Box 107 Moose Pass, Alaska 99631

907-288-3175

Bruce@JaffaConstruction.com

Planning Commission Chairman,
144 N Binkley St, Soldotna, AK 99669.
rraidmae@kpb.us
Resolution 2022-21 May 23rd

Commissioners,

As the Chair of the Moose Pass APC I am aware that the motion by Our APC on May 5th was to approve the Conditional Use Permit (CUP) to Colaska /QAP by a vote of 6-1. Mine was the dissenting vote. I present my reasons here for your consideration. I will not challenge the wisdom of my fellow Commissioners, but this vote came very late during a 4 ½ hour meeting and the CUP appeared to meet the requirements for approval.

Every Alaskan knows the difficulties of road work where there are few detour options. We all agree the importance of improvements. Often cooperative arrangements have been made to minimize impacts to those surrounded or effected by these projects.

I cannot agree that what was clearly a last-minute application, that followed a semi secretive plan by the contractor to acquire, clear and develop a plot of virgin land, meets the best practice for planning or respect for the intent of the rules. We have ordinances and regulations to permit the review and approval of activities that may impact others. Often mistakes are made by applicants, but we do not expect them from large profession Multinational contractors. This CUP has major impact on adjoining property owners and deserved the fairest hearing and review possible. Although the permitted use is for future gravel processing and asphalt batching the preparation of the lot, clearing of the forest and access was completed as IF THE PERMIT was in hand. Any extended buffers, liners, grading plans that may have been required prior to the issuance CUP are gone, the damage done.

The total lack of concern by DOT or the Contractor to residents and business's is appalling and therefore deserves a no vote by the Planning Commision. A revision to the permit application should clearly limit noxious and onerous activities to daytime hours, these include noise, dust and smell. Expanding the earthen buffers to shield the surrounding Area including homeowners and the AKRR are a minimum of abatement that should be required.

Sincerely,

Bruce Jaffa
Moose Pass Alaska

05-20-2022

Re: Seward Highway Rehabilitation Project 17-22.5

QAP Staging Area at mile 19.5

Comments for KPC Planning and Zoning Meeting, QAP Conditional Use Permit Request

Chairman and Commission Members, thank you for this opportunity to voice my personal comments concerning the Seward Highway Rehabilitation Project, mile 17 - 22.5, and more specifically the CoAlaska or as I will refer to as the QAP 'Staging Area' parcel # 12509028, 19.13 acres. QAP has submitted a Conditional Use Permit requesting this 'Staging Area' to be used for staging equipment and office, but also for depositing of some 700,000 cubic yards of earth/rock material removed from along the Seward Highway and for the purpose of processing rock, i.e. rock crushing, and for pavement production, some 36,000 tons of asphalt.

I would like to provide a bit of area context. This 'staging area' is situated right in the middle of a rare area of land that is held by private parties. This rare area is one of two privately-owned land areas, with some 20 owners in this particular area, on the southern portion of Kenai Lake, surrounded by either State or Federal Forest Service land, in the Church National Forest. If you would like to view how rare private land is here, surrounding Kenai Lake, please pull up the KPB parcel viewer map. Part of it was homesteaded in the early 1900s prior to the railroad or road completion. Andy Simons, Alaska's first registered hunting guide, used a boat in the summer and a wagon in the winter to provide through traffic from the north to Primrose for travelers to Seward. In addition, a number of the private owners in the area are 2nd and 3rd generation inhabitants. People do not live here because of its proximity to work or "just because" but because of its beautiful, quiet and pristine atmosphere.

For well over 20 years we have been told that this road project would start, and for 20-plus years it has not — until this year. With no pre-warning, the project has started. No one had shared that QAP was going to use parcel #12509028 as a 'staging area'. The sale of the land to QAP was kept under wraps until it was completed days before equipment arrived. Clearcutting of this staging site started immediately, again with no notification of the surrounding neighbors.

Since this land had been classified as rural land, there is a loop-hole that, in this case, allows the purchaser, QAP, to use it however they desire and in this case as a heavy industrial site during the project with vague requirements for usage after the project is completed. Who would have known that this beautiful piece of rare private land could be turned into a stripped, clearcut gravel pad with 3-4 years of dust, noise and possible disruption of wells and ground and air contamination? I cannot help but wonder where DOT, the environmental organizations, the US Forest Service or the Kenai Watershed folks have been. Either they were not asked to be a part of the bid process for this project or chose to not be a part.

So here we are, most of the 19+ acres is stripped, the road project is started and the local, surrounding residents are carrying the brunt of disruption through possible loss of value of their properties, noise and dust disruption for the next 3-4 years, and probable loss of revenue for the small business owners who share their solitude with visitors to Alaska with their lodging and bed/breakfasts.

Someone of local representative leadership recently suggested at the recent Moose Pass Planning Advisory meeting that this industrial use area was the best location because others would have to be inconvenienced if it were to be elsewhere. First of all, there are other areas that could have been investigated, that are not surrounded by private residences; but this was most likely the most economical location for bidding purposes. This is where the old saying becomes true: "you get what you pay for." It would be interesting to know where the other bidding construction companies were planning to 'stage' their processing. I have trouble

believing any full-time resident and owner would desire having an industrial plant suddenly appear next to their back yard, unless, maybe, if they were financially compensated. If there are less intrusive areas, that is where this type of 'staging area' should be positioned, even if there are increased costs to the project.

The real issue for me is the lack of transparency by whomever was involved in what appears to be a 'slip under the radar' method of doing business. Whether this was allowed or endorsed by the bid process through D.O.T. or whether this was clever business practices by QAP, it has no place in the public process. After a career of being self-employed, the free-market system would not allow small business to pull this kind of stunt. If you are not honest and up-front with your customers, they will take their business elsewhere.

Had the idea of putting a 'staging area' in the middle of our neighborhood been openly brought to the residents up-front, yes we may have turned it down, but at least we would have been given the courtesy to have open dialogue which I would like to believe may have concluded with some compromise where everyone would have won. Again, being in private business for my entire work-life, I would have desired seeing this project come to fruition in a smooth and economical way, meaning I may have been a dissenting vote in favor of the contractor if they could show a willingness to understand the local residents' situations. Instead, most of us feel like it was an underhanded process, and we wonder what other unpleasant surprises are in store in the future.

Given this current situation, I am not in favor of the Borough giving permission for the Conditional Use Permit. At the very least, I request that the Kenai Peninsula Zoning and Planning Commission hold QAP to the highest level of compliance of their requested Conditional Use Permit, without any variances, and if they cannot, that the permit request be turned down until compliance can be met. That full compliance should also include any already-approved variances that were not run through the proper public process, if they exist.

In addition, whatever powers the Commission has should be exercised in the restoration of this land once it is no longer used for this project. 15-plus acres of pristine old-growth forest with 200+ year old trees was clear-cut and none of us alive today will ever see it as it was again.

Lastly, from some research, within Alaska, and this may be happening elsewhere, QAP has a reputation of purchasing and using available land within or very near residential areas. If there are any State or Local representatives listening, I beseech you to investigate this process and find ways to make the public project and bid process more informed, and specifically more transparent so that the taxpayers, the local residents, and even the bidders involved would all be playing in the same field.

Thank you for your time.

Mark P. Ernst
27243 Seward Highway (Mile 20)
Seward, Alaska 99664
907-243-0338 home
mp.ernst@me.com

KPB Planning Commission
144 N. Binkley Street, Soldotna AK 99669

May 20, 2022

Re: mile 17-22.5 Q.A.P. staging area Parcel #12509028

Dear Chairman and Commissioners,

From about mile 19 to about mile 7 on the Seward Hwy., there are no homes – yet Q.A.P. choose mile 19.5 in the middle of a residential area to clearcut a 15-acre staging area. The “surprise appearance” of this industrial staging area in the middle of our “rural” residential neighborhood was done with no notice to surrounding home owners and business owners. Please read the attached 5 pages which detail the staging area’s affects on private homes and vacation rental businesses.

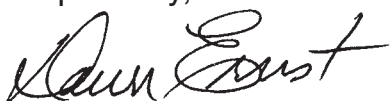
Q.A.P., the construction company who was awarded the bid by D.O.T., immediately clearcut the lot to the Borough’s minimum required 50-foot vegetative buffers, so very unfortunately we can no longer ask the Planning Commission for deeper buffers to help reduce noise.

But, as I understand the Borough’s very limited “rural codes” we can ask the Borough Planning Commision to:

- deny Q.A.P.’s Conditional Use Permit
- increase the yard perimeter berm height from the 6-foot height shown on their Permit diagram to at least 12 feet.
- deny Q.A.P.’s requested 157’ variance along the railroad easement (borough requires 300’).
- reduce Q.A.P.’s hours of equipment operation (noise) until mid-September when the bulk of “vacation rental season” is over.

And, we ask that the Planning Commission formally work with Alaska D.O.T. toward permanent changes in the bid-award process to protect full-time residential private homes and neighborhoods in categorically rural areas from being next to disruptive industrial zones like this one.

Respectfully,



Dawn Ernst
27243 Seward Hwy., Seward AK 99664
copperplate@me.com
mile 20

things I've heard...

“it's not our concern...”

D.O.T.'s response when asked during the exhaustive public comment phase about where the staging / lay down yard / asphalt plant / rock crushing would happen for 4 years of our lives.

“sneaky...”

An upper level D.O.T. response to seeing the location of the staging area; he had no idea where the staging area was going to be prior to seeing it in person.

“residents were contacted, right?”

No. None of us in the neighborhood has been contacted about the mile 19 parcel and its uses and impacts. We took it upon ourselves to contact D.O.T. and Q.A.P. and KPB Planning & Zoning people.

“what about all the vacation rentals here?”

There are close to a dozen vacation rental cabins around the project, ranging from elegant dry cabins to \$500 per night homes. This source of income has already been impacted for this summer, and assuredly will be reduced further or eliminated as this project goes on for the following 3-4 summers. Most are crucial income to part-time businesses and to retirees.

“it's just heavy equipment storage and an office, right?”

No. In addition all the excavation equipment (trucks and tractors) there will be processing of 700,000 cubic yards of unclassified excavation with rock crushing equipment and an asphalt plant making 36,000 tons of asphalt.

“it's just a small lot in your neighborhood.”

19 acres equates to 25 football fields.

“you'll get used to the noise.”

We already have the train going through (many times daily in the summer), sounding their 130- to 150-decibel horns multiple times at 2 crossings and Victor Creek bridge as they go through our neighborhood. We already hear the cars on the highway when they hit the rumble strips at all hours. We were all ready for the construction noise and blasting noise; but NOT the noise from the rock crushing and asphalt plant.

“they are only going to operate during normal business hours.”

Wrong. From communication with Q.A.P.: “May 15 thru mid to late June we will be hauling Monday thru Thursday from 8 am to approximately 10 pm with some work accruing in the yard on Friday and Saturday from 8 am thru 6 pm or so. Once we start blasting in mid to late June thru winter shut down (late October or early November depending on the weather) we will be working from 8 am thru midnight Monday thru Thursday due to DOT restrictions on when we are allowed road closures for blasting activities. There will also be work accruing in the yard during the day on Friday and Saturday as well from 8 am to 6 pm.”

“there's no health hazard.”

Wrong. Volatile organic compounds (VOCs) are particles of dangerous substances emitted into the air after certain chemical reactions. They vaporize at room temperature, so they stay airborne indefinitely. Asphalt plants emit significant amounts of these gases, and living next to such plants can be hazardous to your health. Gravel crushing/hauling obviously emit great amounts of dust. “Personally, as a truck driver, I would never want to live near one, or even on the same street as one.”

“this is probably the best place for this staging area.”

No. Looking at KPB's Parcel Viewer to the south along the Seward Highway from mile 19 to mile 7 -- there are NO private full-time residences along the highway. 12 miles of no homes. There are vacant, previously used staging areas, areas marked as industrial, and areas that could have been modified to create staging areas that would not have impacted residences to the degree of this chosen site.

“the project has started; what can you do about it now?”

Q.A.P. immediately clearcut the lot to the Borough's minimum required 50-foot vegetative buffers, so we can no longer ask for deeper buffers to help reduce noise.

But, as I understand the Borough's very limited “rural codes” we can ask of the Borough Planning Commission to:

- increase the yard perimeter berm height from the 6-foot height shown on their Permit diagram to at least 12 feet.
- deny Q.A.P.'s requested 157' variance along the railroad easement (borough requires 300').
- reduce hours of equipment noise until mid-September when the bulk of “vacation rental season” is over.
- and, we ask that the Planning Commission formally work with Alaska D.O.T. to “make it their concern” to protect full-time residential private homes and neighborhoods in categorically rural areas from being next to ugly, noisy, disruptive industrial zones like this one, with a permanent change in the Alaska D.O.T. bid-award process.
- and I respectfully ask Q.A.P., D.O.T., and the Planning Commission members a question:

“would YOU want this next to your house?”

april 2022

Mile 19.5 staging area plans:

- ***rock crushing equipment***
 - ***asphalt plant***
 - ***heavy equipment storage***
- ...surrounded on all sides by private, full-time residences.***

dear neighbors...

The State D.O.T. did a commendable job preparing for this **mile 17-22 project**, with ample public comment and communication. However, one subject that was not covered was the location of the **staging area** for the heavy equipment, rock crushing and asphalt plant. Construction company Q.A.P. (parent company Colaska) won the bid to do the mile 17-22 road project, and purchased a 19+ acre privately-held parcel at mile 19.5 for this staging area – located in the middle of our residential area. The purchase and plan for the land was kept quiet, the sale closing just days before equipment began arriving last month... No one in our area had or has been officially informed of this staging area or of the future plans for it.



Borough code, section 21.29.050(A)(11) states that Rock Crushing Equipment shall not be operated between 10pm and 6am. Per code they can operate anything else they want, whenever they want.

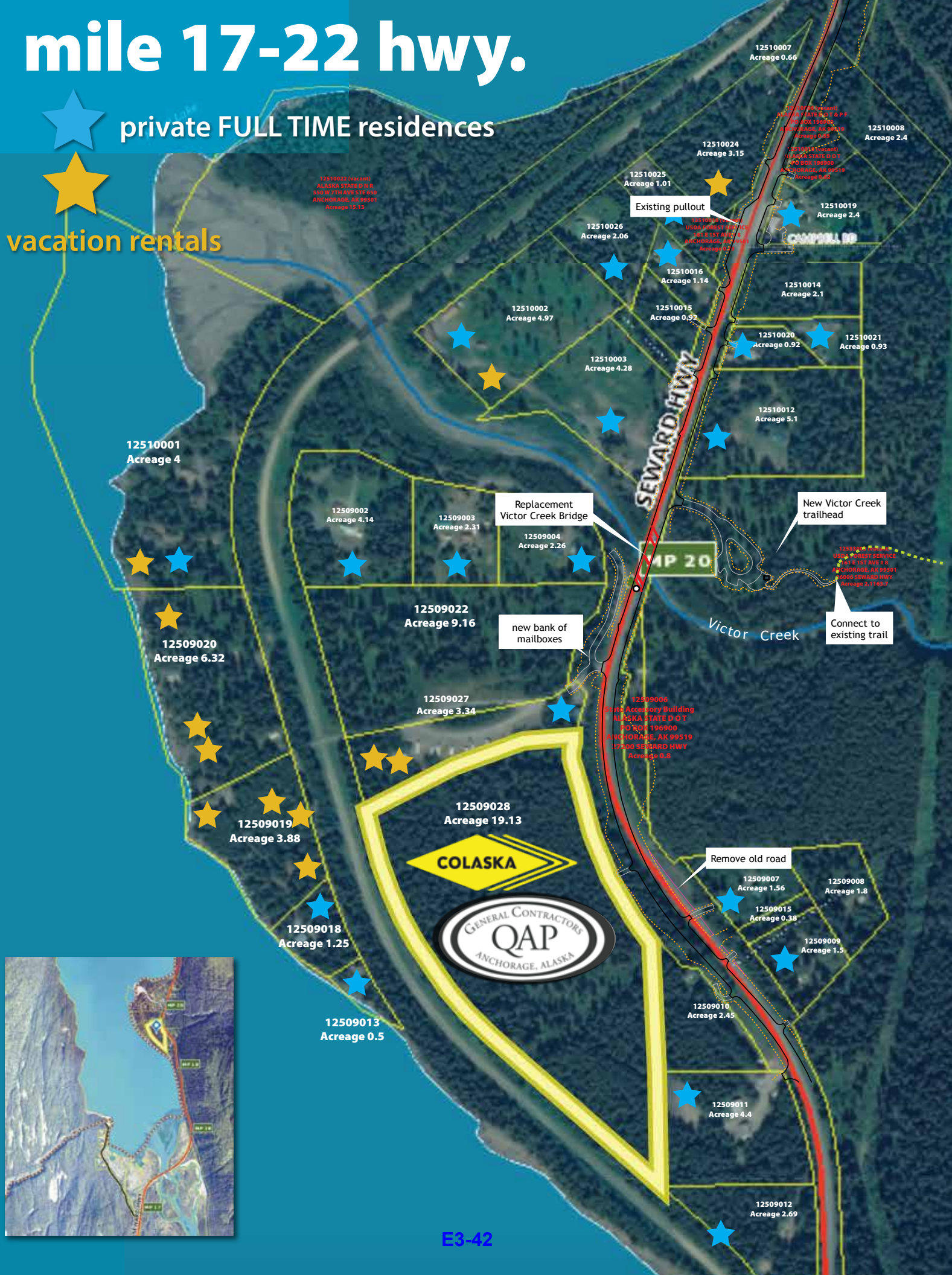
mile 17-22 hwy.



private FULL TIME residences



vacation rentals



bad surprise...


The construction company purchased the privately-owned 19+ acre parcel shown on the map, right in the middle of a rare pocket of grandfathered residential property in the middle of the Chugach National Forest. The fact that they waited to close on this unique property until right before work began might suggest that they were aware that the surrounding residents who live here full time would have been very much against using this particular raw-land location that is surrounded on all sides by permanent residences... Apparently staging area locations and scope of use are not required to be discussed during the Public Involvement stage, if ever. They are not monitored by the Kenai Borough Planning & Zoning or the D.O.T. What can residents do to mediate this situation now and in future situations like this?

bad decision...

Of course in business and especially in bid situations, it's "mostly" about the bottom line – but there are times when choosing the "cheapest" option or the option that makes the most money are NOT the way to go. **There ARE other areas within 5 miles of this project that could have been chosen for this industrial road project staging – areas that are farther from homes.** Apparently the bidding process only requires a staging area be chosen and secured; it does not ask where or require review or approval or environmental impact studies (E.I.S.) – and neither, apparently, does the Kenai Peninsula Borough Planning and Zoning or D.O.T. review the proposed staging area... Yes, choosing this staging area's location and use makes us wonder... **what other surprises are in store?**

For reference: on February 17, many local residents met in person and via Zoom with the local Moose Pass Planning Advisory Committee to voice concerns, just days after this staging area became known. No one on the Committee was aware of the bid award to Q.A.P., Q.A.P.'s purchase of the 19+ acre parcel, and the extensive long-term plans for their staging area in the midst of our residential area.

3 years & beyond...



This mile 17-22 project is slated to take 3 years to complete, so we can look forward to 3 years of noise and disruption before things go back to normal, right? **No.** Because the construction company owns the land now, they have every right to continue using it (or leasing it) for staging for the next sections of the highway that get scheduled for repair. Unless the Borough steps in. **How long** then will we have a heavy equipment construction lot here in the midst of our quiet residential area?

Let's improve this!

The project created a 289-page Categorical Exclusion document; page 15 states that the “adjacent residential areas” were not going to be directly affected by the road project – however, they are most certainly affected by this staging area.

<http://www.sewardhighway17to22.com/Documents/53610%20Seward%20Hwy%2017-22.5%20CE%202019%20with%20Appendices.pdf>

We were not made aware that we would give up the quality of our homes to this extent, our seclusion gone, having this industrial staging area dropped in our midst:

- sound carries on the lake: Primrose and Trail Lake area residents will hear this industrial site, too.
- disruption of wildlife is already obvious with the clear-cutting and burning.
- vacation rentals are in jeopardy of lost income with cancellations, complaints, or closures for upcoming season(s) for reservations already accepted.
- at least 15+ acres stripped to an ugly gravel pad will result in more highway noise to homeowners.
- as private citizens we have little clout in holding Q.A.P. or D.O.T. to any reasonable disruption requirements for this major industrial plot in the middle of our unique neighborhood, our rare piece of land on the shores of Kenai Lake in the Chugach National Forest.

So who can help us protect our properties now?

**the kenai peninsula borough's
planning & zoning office.**

Q.A.P. has just applied for a *Conditional Use Permit* with the Borough for the mile 19.5 staging area to have both an asphalt plant and rock crushing. There will be a public hearing during which that request will be heard.

KPB P&Z is our only mitigating entity in this situation. At this point we cannot ask that the project go away or that equipment be removed. We must make reasonable requests that stay within KPB ordinances*, but we can ask that they modify the Conditional Use Permit:

1. require Q.A.P. to significantly limit hours of any equipment operating in this staging area
2. require Q.A.P. to increase to maximum the buffer zones around the staging area
3. require Q.A.P. to install maximum perimeter berms around the staging area
4. require Q.A.P. to institute a real-time notification system for residents as to burning, blasting, and all road delays/closures, etc. (knowing that cell phones often don't work in this area)
5. ask Q.A.P. to detail the future use of this land at the end of this 3-year project
6. ask to see Q.A.P.'s Environmental Impact Study, their site plan, and their SWPPP documents for this lot
7. pursue real actions to prevent this from happening in the future in our residential area, and residential areas in our Borough; with any future industrial/construction staging area locations to require prior KPB residential impact review and residential involvement as part of the bid process.

how to get involved.

This conditional use permit application often can be a “rubber-stamped” approval process with no conversation. But our concerns, questions and recommendations can be heard before and at that meeting. The meeting will be held on Zoom.

The Borough will send out notification by mail for the meeting, 2 weeks prior to the meeting, to all residents within a half mile of the project.

The meeting is anticipated to occur in mid-May. WATCH FOR THE DATE!

In the meantime, please contact our local Borough representatives and respectfully inform them of this issue and your concerns:

1. KPB Assembly: Cindy Ecklund, District 6 - East Peninsula (907) 362-2276, cecklund@kpb.us
2. KPB Borough Mayor: Charlie Pierce (907) 714-2150, cpierce@kpb.us
3. KPB Land Management Division: (907) 714-2205, lmweb@kpb.us

*21.25.050. - Permit considerations—Public hearing required.

A. Within 21 days of receiving an application, the planning director or designee shall review the submitted application for completeness and compliance with this chapter. If it is incomplete or does not meet the requirements of this chapter, the planning director shall notify the applicant in writing. The planning director shall thereafter either return the application to the applicant or schedule the application to be considered by the planning commission at the next appropriate scheduled meeting. B. When the application is scheduled to be considered, the planning commission shall conduct a public hearing to consider the permit application, and shall either approve, modify or disapprove the permit application. Those wishing to contest issuance of the permit may submit evidence and be heard at the hearing. Before granting the permit, the commission must find at a minimum that the proposed activity complies with the requirements of this chapter. Planning commission approval of these conditional land use permits shall be by resolution. Permits shall be conditioned upon continued compliance with this chapter and other applicable code provisions. C. There shall be written findings supporting the planning commission's decision on the permit application. The decision shall be distributed to the parties of record before the planning commission, with a notice of right to appeal to the hearing officer. (Ord. No. 99-29, § 1, 6-15-1999; Ord. No. 98-33, § 2, 2-16-1999)