

Kenai Peninsula Borough  
Assembly

---

**MEMORANDUM**

**TO:** Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Lane Chesley, Assembly Member (M.W.) for L.C.

**DATE:** January 26, 2023

**SUBJECT:** **Chesley Amendment #6** Amending Ordinance 2022-36, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Conditional Land Use Permits and Material Site Permits, Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions (Johnson, Chesley)

---

[Please note the bold underlined language is new and the strikeout language in brackets is to be deleted.]

➤ Amend KPB 21.29.020(B), as follows:

21.29.020. Types of permits available.

B. Conditional land use permit. A conditional land use permit (CLUP) is required for the following types of earth material extraction or uses:

A. Conditional land use permit. A conditional land use permit (CLUP) is required for the following types of earth material extraction or uses:

1. Type I CLUP – Earth Materials Extraction. A Type I CLUP is required for any earth materials excavation or extraction which disturbs 5 or more cumulative acres. Earth materials conditioning or processing activities and excavation or extraction within four feet of the seasonal high-water table is prohibited under this permit. The requirements and conditions in KPB 21.29.050 apply to a Type I CLUP.

~~[Earth Materials Extraction CLUP. An Earth Materials Extraction CLUP is required for any material extraction which disturbs 10 or more cumulative acres. Material processing, screening or crushing, or extraction within four feet of the seasonal high water table is prohibited under this permit. The standard conditions set out in KPB 21.29.050 are applicable to this type of CLUP.]~~

2. Type II CLUP – Earth Materials Conditioning or Processing. A Type II CLUP is required for any operation that includes earth materials

**conditioning or processing activities. The conditions in KPB 21.29.050 and KPB 21.29.055 apply to a Type II CLUP.**

~~[Earth Materials Processing CLUP. An Earth Materials Processing CLUP is required for any operation that includes earth materials processing, screening, or crushing activities. The conditions set forth in KPB 21.29.050 plus the conditions set out in KPB 21.29.055 for material extraction processing area applicable to this type of CLUP.]~~

3. **Type III CLUP – Earth Materials Extraction Within Water Table. A Type III CLUP is required for operations of any size that excavate or extract earth materials within four feet of the seasonal high-water table. The requirements and conditions in KPB 21.29.050 and KPB 21.29.057 for a Type III CLUP. If the application includes earth materials conditioning or processing activities, then the requirements and conditions in KPB 21.29.055 apply.**

~~[Earth Materials Extraction Within Water Table CLUP. An Earth Materials Extraction within Water Table CLUP is required for material extraction and operations of any size within four feet of the seasonal high-water table. The conditions set forth in KPB 21.29.050 plus the requirements and conditions set forth in KPB 21.29.057 for material extraction within four feet of the seasonal high water table are applicable to this type of CLUP.]~~

An applicant may request a CLUP that includes one, two or all three of the above permit types. A CLUP is valid for a period of five years. A CLUP may be renewed in accordance with KPB 21.29.070. The provisions of KPB Chapter 21.25 are applicable to material site CLUPs and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling.

Your consideration is appreciated.