

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

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

**THRU:** Mike Navarre, Mayor *MN*  
Max Best, Chief of Staff *MB*

**FROM:** Robert Ruffner, Planning Director *RR*

**DATE:** February 9, 2023

**SUBJECT:** **Administrative Amendment #10** 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)

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[Please note the bold underlined language is new and the strikethrough 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 materials **excavation, extraction, and earth materials conditioning or processing, that exceed the limitations for a counter permit in KPB 21.29.020 or for activities within four feet of the seasonal high-water table. A CLUP applicant may request the following CLUP endorsements as part of a single application and fee:**

1. **Type I Endorsement – Earth Materials Extraction. A Type I Endorsement 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 Endorsement.**

[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.]

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2. **Type II Endorsement– Earth Materials Conditioning or Processing. A Type II Endorsement 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 Endorsement.**  
~~[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 Endorsement – Earth Materials Extraction Within Water Table. A Type III Endorsement 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 Endorsement 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] endorsements. 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 a material site CLUP[s] and the provisions of KPB 21.25 and 21.29 are to be 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.

➤ Amend the remaining provisions of Ordinance 2022-36 as follows:

Motion to: authorize staff to edit, update, and amend necessary provisions or sections of Ordinance 2022-36 to incorporate the change from three different CLUP permit types to a single CLUP permit with three different endorsements. Staff is authorized to make all necessary changes to effectuate this endorsement amendment and bring back a substitute ordinance that will incorporate this endorsement amendment along with all other amendments passed during the subcommittee processes .

Your consideration is appreciated.