



Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly

FROM: Brent Johnson, Assembly President 
Lane Chesley, Assembly Member 

DATE: August 24, 2023

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

In 2021, the Borough administration requested Assembly consideration and action to address the regulatory process related to conditional land use permits issued under KPB Chapter 21.29, Material sites.

After receiving public comment on Ordinance 2021-41, the Assembly ultimately tabled the ordinance and a related substitute ordinance. The Assembly formed a committee of the whole to review the permitting process with a fresh perspective.

This ordinance will repeal and re-enact KPB Chapter 21.29. This ordinance shifts the conditional land use permit (CLUP) process for earth materials extraction and processing away from a “one size fits all” approach and instead establishes a multi-permit structure wherein activities related to materials processing and extraction within the water table require heightened protections for the public good but activities of lesser impact to surrounding properties do not require the same level of protections. This ordinance maintains important mandatory conditions found in current code that are necessary to protect the public health, safety, and general welfare of Borough residents. This ordinance also presents a permitting system that will provide for more flexibility to meet the needs of the particular application through discretionary conditions that may only apply when appropriate under the circumstances.

The Assembly has been working through this process, listening to presentations and testimony, and deliberating amendments borough through the Committee of the Whole for over a year. The Assembly has grappled with the need to promote business uses and activities while also promoting harmony of uses and promoting the Borough’s growing residential and recreational use properties. Developing communities need gravel. And gravel businesses need developing communities. As part of reconciling some conflicting uses, the Assembly was asked to sort out some of those issues that address the potential conflict in proximity of uses and attempt to harmonize such uses as far as that is possible under the Borough’s limited zoning and mixed use structure. We believe the substitute ordinance strikes a fair balance between regulation to protect public health, safety, and general welfare, and the importance of responsible development of material site resources.

Your consideration is appreciated.