

Kenai Peninsula Borough
Assembly

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Willy Dunne, Assembly Member *(AB) for W. D.*

DATE: January 7, 2020

RE: Ordinance 2019-30 (Mayor) Substitute, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures

In the event that the assembly approves a motion to reconsider Ordinance 2019-30 (Mayor) Substitute I intend to offer the following amendment to Section 2 at KPB 21.29.055, Decisions. This amendment clarifies that an application for a material site permit must be approved when the conditions imposed meet the standards in KPB 21.29.040 and may not be approved when the conditions imposed do not meet the standards. The decision must include findings detailing how these conditions are either met or not, and substantial evidence to support those findings.

The tracked changes are shown below. First, for ease of understanding, following is the proposed new language without the changes shown:

The planning commission or planning director, as applicable, shall approve permit applications when the standards under KPB 21.29.040 have been met through implementation of mandatory and any volunteered conditions in KPB 21.29.050, or shall disapprove or modify permit applications when the mandatory or any volunteered conditions do not meet the standards. The decision shall include written findings detailing how the conditions under KPB 21.29.050 are met, how they meet or do not meet the standards in KPB 21.29.040, and identify substantial evidence ~~to that~~ supports these findings.

Following is the amendment with the changes shown. *(Please note the changes are in bold with additions underlined and deletions crossed out.)*

21.29.055. Decision.

The planning commission or planning director, as applicable, shall approve permit applications **when the standards under KPB 21.29.040 have been met through implementation of mandatory and any volunteered meeting the mandatory conditions set forth in KPB 21.29.050**, or shall disapprove **or modify** permit applications **when the mandatory or any volunteered conditions that** do not meet the **standards mandatory conditions**. The decision shall include written findings **detailing how the conditions under supporting the decision, and when applicable, there shall be written findings supporting any site-specific alterations to the mandatory condition as specifically allowed by KPB 21.29.050 are met, how they meet or do not meet the standards in KPB 21.29.040, and identify substantial evidence that supports these findings. (A)(2)(a), (2)(c), (2)(d), (2)(e), (2)(g), (3), (4)(d), (5), (11)(b), (12), (14), (17)(c), (18), (19), and (20) and as allowed for the KPB 21.29.060 reclamation plan.**

Your consideration and support of this amendment is appreciated.