

# Modification of a Conditional Land Use Permit for a Material Site STAFF REPORT

PC MEETING: July 12, 2021

**Applicant:** Cook Inlet Region, Inc.  
**Landowner:** Cook Inlet Region, Inc.  
**Parcel Number:** 065-081-18  
**Legal Description:** East ½, East ½ of the West ½, and the Northwest ¼ of the Northwest ¼ of Section 16, Township 5 North, Range 8 West, Seward Meridian, Alaska, excluding the Sterling Highway right-of-way.  
**Property Location:** Approximately at MP 79.5 of the Sterling Highway

**GENERAL OVERVIEW:** On June 22, 2021, the applicant submitted payment and a modification application for a material site. The applicant wishes to modify the existing conditional land use permit for material extraction on the above property, approved by the planning commission on March 27, 2017, and extended on May 4, 2021. The modification is to expand the permitted extraction area by approximately 61 acres as shown on the site plan submitted with the application. The application states that the expanded area is to support an Alaska Department of Transportation improvement project for the Sterling Highway. A copy of the application is included as **Attachment A**. Vicinity, aerial, topography, land use and ownership maps are included here as **Attachments B – F**.

## KPB 21.29.030(A) REQUIRED APPLICATION ITEMS

**1) Location of modification:** The applicant seeks to excavate and an additional area of approximately 61 acres in an area bounded by the Sterling Highway to the north, Kenai Keys Road to the east, Deniigi Way to the south, and Tikahtnu Road to the west (see Attachment A).

**2) Lifespan:** The original permit application stated an expected lifespan of 15 years. No change is proposed.

**3) Buffers:** In addition to buffers in the original permit, the proposed 61-acre expansion area would be buffered on all sides by 50 feet of natural vegetation and 6-foot earthen berms.

**4) Reclamation:** No modification to the reclamation plan is proposed. The original application indicated that 5-25 acres would be reclaimed each year before the end of September using a loader and dozer. Seeding would be applied each season to areas that achieve final grade.

**5) Depth of excavation:** The maximum depth of proposed excavation is 20 feet, the same as the original permit.

**6) Type of material:** Gravel will be mined from the proposed expansion area.

**7) Voluntary permit conditions:** Berms along the north, south, west, and east edges of the proposed expansion area.

**8) Site plan:** The original site plan prepared by McLane Consulting Inc. was submitted as part of the modification application with markups and annotations indicating proposed modifications. The original plan included a north arrow, scale, and preparer's name, date and seal. The property has not been subdivided or changed ownership since the original site plan was developed in 2017, so the modified site plan was considered sufficient by staff. Required site plan elements are as follows:

**a-b):** addressed above.

**c) encumbrances:** In addition to Tikahtnu, Kenai Keys, and Deniigi Way roads, the site plan

shows a section line easement along the southern property boundary.

**d) points of ingress/egress:** The proposed modification would add a 26-foot wide ingress/egress from the excavation area directly onto the Sterling Highway.

**e) haul routes:** ingress/egress for the expanded extraction area would be directly onto the Sterling Highway.

**f) test holes/depth of groundwater:** The application states that 32 test holes have been dug throughout the property and that the water table is greater than 20 feet below original ground. The original site plan shows test well locations in the permitted excavation area.

**g) location of neighboring wells:** The site plan shows one well south of the property. No wells are within 300 feet of the proposed expansion area.

**h) waterbodies/wetlands:** no waterbodies or wetlands are indicated on the site plan.

**i) surface water protection measures:** No measures were indicated on the site plan.

**j) processing areas:** One 4.8-acre processing area was identified south of Deniigi Way on the original site plan. No modification of the processing area is proposed.

**l-m):** addressed above

**n) boundary staking:** with the original permit, the property corners were located and the property boundary flagged at visible intervals within 300 feet of the excavation areas.

**PUBLIC NOTICE:** Notice of the application was mailed on June 22, 2021, to the 255 landowners or leaseholders of the parcels within ½ mile of the subject parcel, pursuant to KPB 21.25.060. A copy of the public notice and notice radius map are included as **Attachment G**. Any public comments received by the Planning Department prior to the hearing will be included as desk packet items at the July 12, 2021, meeting.

#### **FINDINGS OF FACT:**

1. *Procedural Findings.*
  - A. 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.
  - B. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
  - C. On March 27, 2017, the planning commission passed resolution 2017-08, which approved a conditional land use permit to Cook Inlet Region, Inc., for material extraction on KPB tax parcel #065-081-18.
  - D. On June 22, 2021, Cook Inlet Region, Inc., submitted to the KPB Planning Department an application to modify its existing conditional land use permit for parcel #065-081-18 to add an additional 61-acre excavation area.
  - E. A public hearing of the planning commission was held on July 12, 2021, and notice of the application was mailed on June 22, 2021, to the 255 landowners or leaseholders of the parcels within one-half mile of the subject parcels. Public notice was sent to the postmaster in Sterling requesting that it be posted at the Post Office. Public notice of the application was scheduled for publication in the July 1, 2021, & July 8, 2021, issues of the Peninsula Clarion.
  - F. Compliance with the mandatory conditions in KPB 21.29.050, as detailed in the following findings, necessarily means that the application meets the standards contained in KPB 21.29.040.
2. *Parcel boundaries.* KPB 21.29.050(A)(1) provides that all boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
  - A. Permit condition number 1 requires the placement of stakes. Borough staff has inspected the proposed site. With the original permit, the property boundaries near proposed excavation areas in the original permit were flagged.
3. *Buffer zone.* KPB 21.29.050(A)(2) provides that a buffer zone shall be maintained around the excavation perimeter or parcel boundaries.
  - A. Permit condition number 2 requires that the permittee maintain the following buffers

for each excavation area identified on the site plan that will provide visual and noise screening to adjacent properties:

50 feet of undisturbed natural vegetation with additional 6-foot earthen berms around the expanded 61-acre excavation area.

4. *Processing.* KPB 21.29.050(A)(3) provides that any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries.
  - A. The original permit site plan indicates a 4.8-acre processing area that is located greater than 300 feet from the parcel boundaries. Borough staff will regularly monitor the material site to ensure compliance with this setback requirement.
5. *Water source separation.* KPB 21.29.050(A)(4) provides that all permits shall be issued with a condition that prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance. Excavation within the water table shall not be within 300 feet of a water source. There shall be no dewatering by either pumping, ditching or some other form of draining without an exemption from the planning commission. In the event an exemption is granted, the contractor must post a bond for liability for potential accrued damages.
  - A. The site plan shows no wells within 300 feet of an excavation area.
  - B. Borough staff will regularly monitor the material site to ensure compliance with the two-foot vertical separation from the water table requirement.
6. *Excavation in the water table.* KPB 21.29.050(A)(5) provides that excavation in the water table greater than 300 horizontal feet of a water source may be permitted with the approval of the planning commission.
  - A. This modification does not seek and exemption to excavate within the water table.
7. *Waterbodies.* KPB 21.29.050(A)(6) provides that an undisturbed buffer shall be left 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. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
  - A. There are no water bodies within 100 feet of the proposed extraction.
8. *Fuel storage.* KPB 21.29.050(A)(7) provides that fuel storage for 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.
  - A. Borough staff will regularly monitor the material site to ensure compliance with this condition.
9. *Roads.* KPB 21.29.050(A)(8) provides that operations shall be conducted in a manner so as not to damage borough roads.
  - A. The original permit indicates that the material site haul route is Deniigi Way and Kenai Keys Road to Sterling Highway. The modified site plan also indicates a new secondary access directly to Sterling Highway. The permittee must provide dust suppression to the portion of the haul route that is located on site.
10. *Subdivision.* KPB 21.29.050(A)(9) provides that any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit.
  - A. Borough planning staff reviews all subdivision plats submitted to the Borough to ensure compliance with this requirement.
11. *Dust control.* KPB 21.29.050(A)(10) provides that dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
  - A. If Borough staff becomes aware of a violation of this requirement, action will be taken to ensure compliance.
12. *Hours of operation.* KPB 21.29.050(A)(11) provides that rock crushing equipment shall not be operated between 10:00 p.m. and 6:00 a.m.
  - A. If Borough staff becomes aware of a violation of this requirement, action will be taken to ensure compliance.

13. *Reclamation.* KPB 21.29.050(A)(12) provides that reclamation shall be consistent with the reclamation plan approved by the planning commission. The applicant shall post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
  - A. No modification of the reclamation plan was proposed. As in the original permit, the permittee shall reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.
  - B. Borough staff will inspect the material site once the reclamation has been completed to ensure compliance with the reclamation plan.
14. *Other permits.* KPB 21.29.050(A)(13) provides that permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits.
  - A. Any violation federal, state or local laws, applicable to the material site operation, reported to or observed by Borough staff will be forwarded to the appropriate agency for enforcement.
15. *Voluntary permit conditions.* KPB 21.29.050(A)(14) provides that conditions may be included in the permit upon agreement of the permittee and approval of the planning commission.
  - A. In addition to the 50-foot vegetation buffer, 6-foot earthen berms will be placed around the 61-acre expanded extraction area.
16. *Signage.* KPB 21.29.050(A)(15) provides that for permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access.
  - A. Borough staff will regularly monitor the material site to ensure compliance with this condition.

## STAFF RECOMMENDATION

In reviewing the modification application, staff has determined that the requirements for modification have been met and that the six standards contained in KPB 21.29.040 will be met. Staff recommends that the planning commission approve the modification to 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 permits must be acquired from either the state or borough as necessary prior to the issuance of the material site permit.
5. The conditions of the modified permit will replace those of the original 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 feet 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:
  - Northern, southern, eastern, and western boundaries - 50 feet of undisturbed natural vegetation. The addition of a 6-foot earthen berm around the perimeter

for the 61-acre expanded extraction area.

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 not operate any equipment which conditions or processes material within 300 feet of the property boundaries.
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-foot vertical separation from the seasonal high water table.
8. 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.
9. 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.
10. 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.
11. The permittee shall notify the planning department of any further subdivision or return to acreage of this property. Any further subdivision or return to acreage may require the permittee to amend this permit.
12. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The permittee shall reclaim the site as described in the reclamation plan for this parcel and as approved by the planning commission.
14. The permittee shall post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement does not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
15. 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.
16. 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.
17. This conditional land use permit is subject to review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB

- 21.50, a permit may be revoked for failure to comply with the terms of the permit or the applicable provisions of KPB Title 21. The borough clerk shall issue notice to the permittee of the revocation hearing at least 20 days but not more than 30 days prior to the hearing.
18. The modification does not change the effective date of the permit. The conditional land use permit is valid for five years from the effective date of the original permit. 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



# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

PC Resolution #. \_\_\_\_\_

App. Complete \_\_\_\_\_

## KPB 21.29 Conditional Land Use Permit Modification Application

For a Sand, Gravel or Material Site

### I. APPLICANT INFORMATION

Applicant Cook Inlet Region, Inc. Landowner Same as Applicant

Address PO Box 93330 Address \_\_\_\_\_

City, State, Zip Anchorage, AK 99509-3330 City, State, Zip \_\_\_\_\_

Telephone 907-263-5150 Fax \_\_\_\_\_ Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Cell Phone 907-240-6861 Cell Phone \_\_\_\_\_

Email ssettle@ciri.com Email \_\_\_\_\_

### II. CURRENT PERMITTED PARCEL INFORMATION

KPB Tax Parcel ID# 065-081-18 Township 5N Range 8W Section 16

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Parcel acreage \_\_\_\_\_

Legal Description T 5N R 8W SEC 16 SEWARD MERIDIAN KN E1/2 & E1/2 W1/2 & NW1/4  
NW1/4 EXCEPT THAT PORTION PER W/D 383 @ 681

### III. INFORMATION/DOCUMENTATION "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 Diagram, to scale, showing:

- ☐ parcel boundaries
- ☐ existing required buffers
- ☐ existing and/or proposed processing area(s)

Permit Modification Worksheet

Applicant Cook Inlet Region, Inc. Owner Same as applicant

CURRENT PERMITTED KPB Tax Parcel ID # 065-081-18 Parcel Acreage appr. 600

1. Reason(s) for requesting permit modification: Excavation of material to improve the Sterling highway,  
competent to meet Alaska Transportation Department specifications for highway  
construction

2. Additional cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 61 acres

3. Additional type(s) of material to be mined (circle all that apply): gravel sand peat other

4. Additional equipment to be used (circle all that apply): excavation processing other

5. Modification(s) is requested on current permit buffers: yes X no

CURRENT PERMIT REQUIRED BUFFERS – “check” all types, and circle all directions that apply:

- |  |          |          |          |          |
|--|----------|----------|----------|----------|
| <input checked="" type="checkbox"/> 50 ft. of natural or improved vegetation | <u>N</u> | <u>S</u> | <u>E</u> | <u>W</u> |
| <input type="checkbox"/> minimum 6 ft. earthen berm                          | N        | S        | E        | W        |
| <input type="checkbox"/> minimum 6 ft. fence                                 | N        | S        | E        | W        |
| <input type="checkbox"/> other   | N        | S        | E        | W        |

MODIFIED BUFFER REQUEST, if applicable – “check” all types, and circle all directions that apply:

- |  |          |          |          |          |
|--|----------|----------|----------|----------|
| <input checked="" type="checkbox"/> 50 ft. of natural or improved vegetation | <u>N</u> | <u>S</u> | <u>E</u> | <u>W</u> |
| <input checked="" type="checkbox"/> minimum 6 ft. earthen berm               | <u>N</u> | <u>S</u> | <u>E</u> | <u>W</u> |
| <input type="checkbox"/> minimum 6 ft. fence                                 | N        | S        | E        | W        |
| <input type="checkbox"/> other   | N        | S        | E        | W        |

6. Permit modification is requested due to subdivision of originally permitted parcel? yes X no

7. Permit modification to enter the water table is requested? yes X no

8. Additional excavation depth beyond permitted depth: 20 ft.

Depth to groundwater: More than 20 ft.

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

A. Berms along North (Sterling Highway), West (Tikahtnu Road) and East (Keani Keys Road) edge of  
excavation

B. \_\_\_\_\_

- ☐ all encumbrances on parcel, including easements
  - ☐ points of ingress and egress
  - ☐ existing permitted extraction area(s)
  - ☐ proposed additional extraction area(s) and/or other requested permit modifications(s)
  - ☐ a north arrow and diagram scale
  - ☐ preparer's name and date
- ☐ Permit Modification Worksheet (attached)

#### 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 modification request.



Applicant Signature

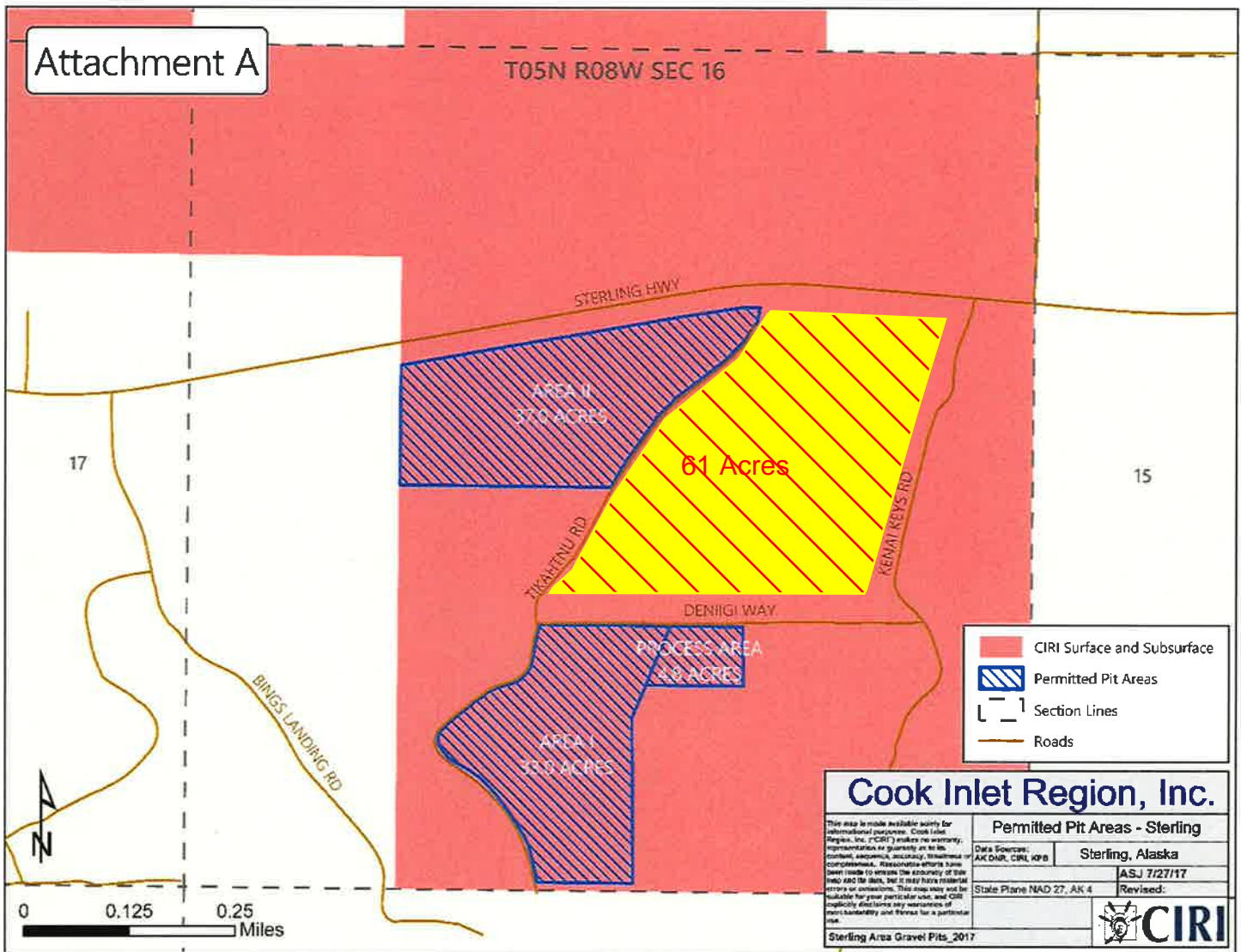
June 21, 2021

Date

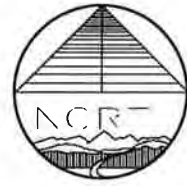
Property Owner Signature  
(required if not applicant)

Date

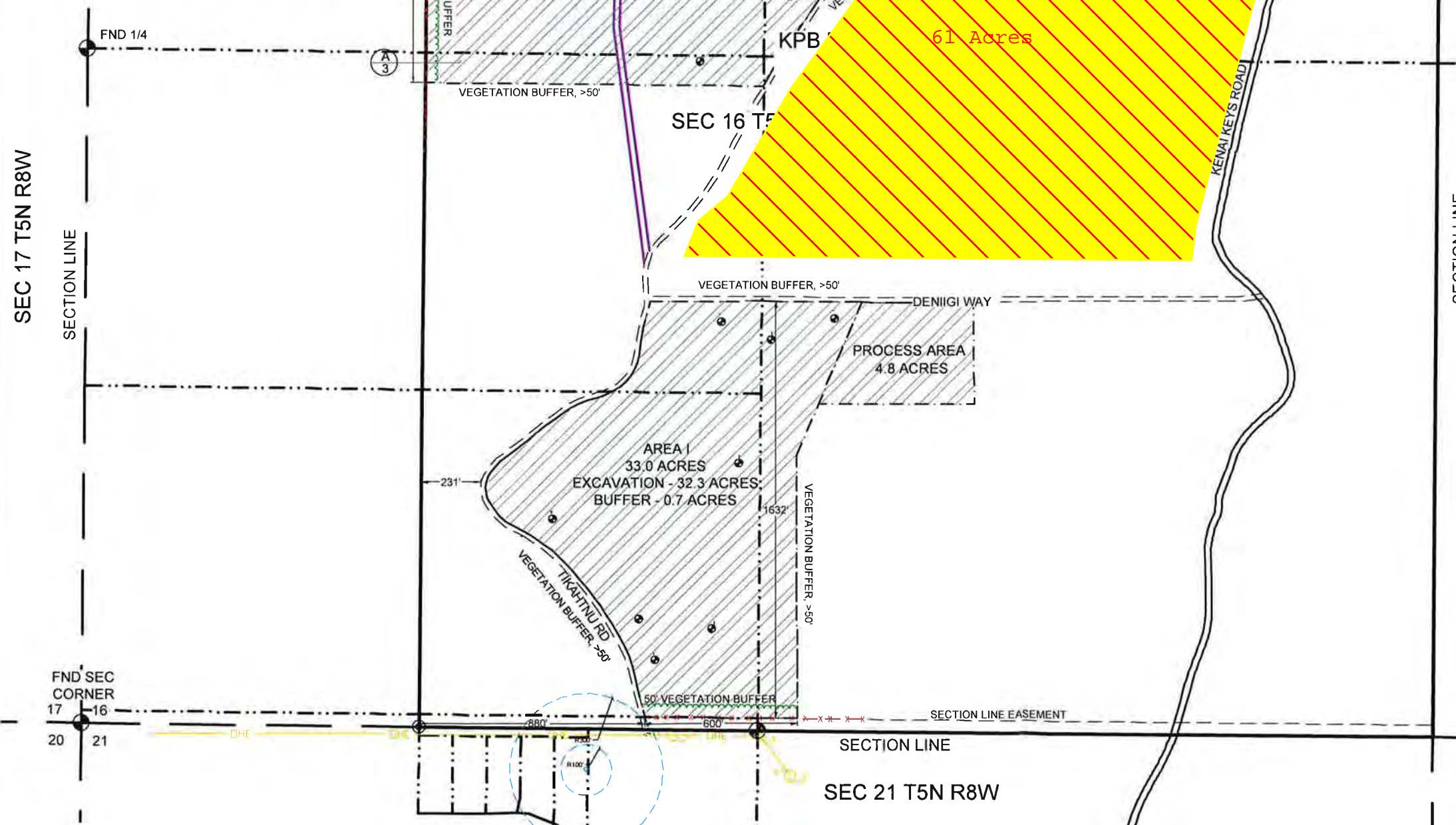
Exhibit A  
Map of Contract Area



OWNER/APPLICANT:  
ATTN: BEN MOHR  
COOK INLET REGION, INC.  
P.O. BOX 93330  
ANCHORAGE, ALASKA 99509



A horizontal scale bar with a thick black line. At the left end is a vertical tick mark labeled '0'. At the right end is a vertical tick mark labeled '1000'. In the middle, there is a vertical tick mark labeled '500'. Below the line, centered between 0 and 1000, is the word 'FEET'. There are also two smaller, unlabeled tick marks between 0 and 500, and two between 500 and 1000, dividing each 500-foot segment into four 125-foot segments.



	RECORD MONUMENT
	PROPERTY CORNERS
	INGRESS/EGRESS
	WELL SETBACK
	INTERVISIBLE FLAGGING
	PROPOSED BUFFER TREELINE
	APPROX TESTHOLE LOCATION

1. THIS PERMIT APPLICATION IS FOR THE PORTION OF KPB PARCEL 06508118 SOUTH OF THE STERLING HIGHWAY; T5N R8W SECTION 16 SEWARD MERIDIAN,  $E\frac{1}{2}$  &  $E\frac{1}{2}$   $W\frac{1}{2}$  &  $NW\frac{1}{4}$   $NW\frac{1}{4}$  EXCEPT THAT PORTION PER W/D 383 @ 681.
2. THE PARCEL IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION
3. PROPOSED INGRESS IS FROM TO KENAI KEYS ROAD AND EGRESS IS TO THE STERLING HIGHWAY, AS SHOWN. AN ADOT APPROACH ROAD REVIEW APPLICATION WILL BE NECESSARY.
4. THE PREFERRED BUFFERS ARE 50' (OR GREATER) NATIVE VEGETATIVE BUFFERS ON ALL SIDES.
5. THERE ARE NO WELLS WITHIN 100' OR 300' OF THE EXCAVATION AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
6. THERE ARE NO MAPPED WETLANDS AND/OR SURFACE WATER.
7. NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION VIA PHYTOREMEDIATION OF ANY SITE RUN-OFF.
7. GROUNDWATER IS >20' BELOW EXISTING GROUND IN PROPOSED EXCAVATION AREAS. TEST HOLES WERE EXCAVATED IN 32 LOCATIONS BY THE OWNER OR OTHER REPRESENTATIVES.
8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEEDED.
9. A CENTRAL AREA WILL BE MAINTAINED AS A PROCESSING AND STAGING AREA. PROCESS AREA IS GREATER THAN 300' FROM ALL PROPERTY LINES.
10. THE PROPERTY CORNERS WERE LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS WITHIN 300' OF THE EXCAVATION AREA, AS SHOWN ON THE EXHIBIT.



REV	DATE	DESCRIPTION	BY
1	XXXX	PERMIT SUBMITTAL	GMD

CIRI TIKAHNTU  
MP 79 - 80 STERLING HWY  
CONDITIONAL LAND USE PERMIT

FIELD WORK DATE:	1/12/2017	FIELD BOOK NO.	17-03	JOB NO.	174014
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Consulting Inc

ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 468  
SOLDOTNA, AK. 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3265  
WWW.MCLANECG.COM

DRAWN BY: BGB

CHECKED BY: GMD

HORZ SCALE: 1" = 500'

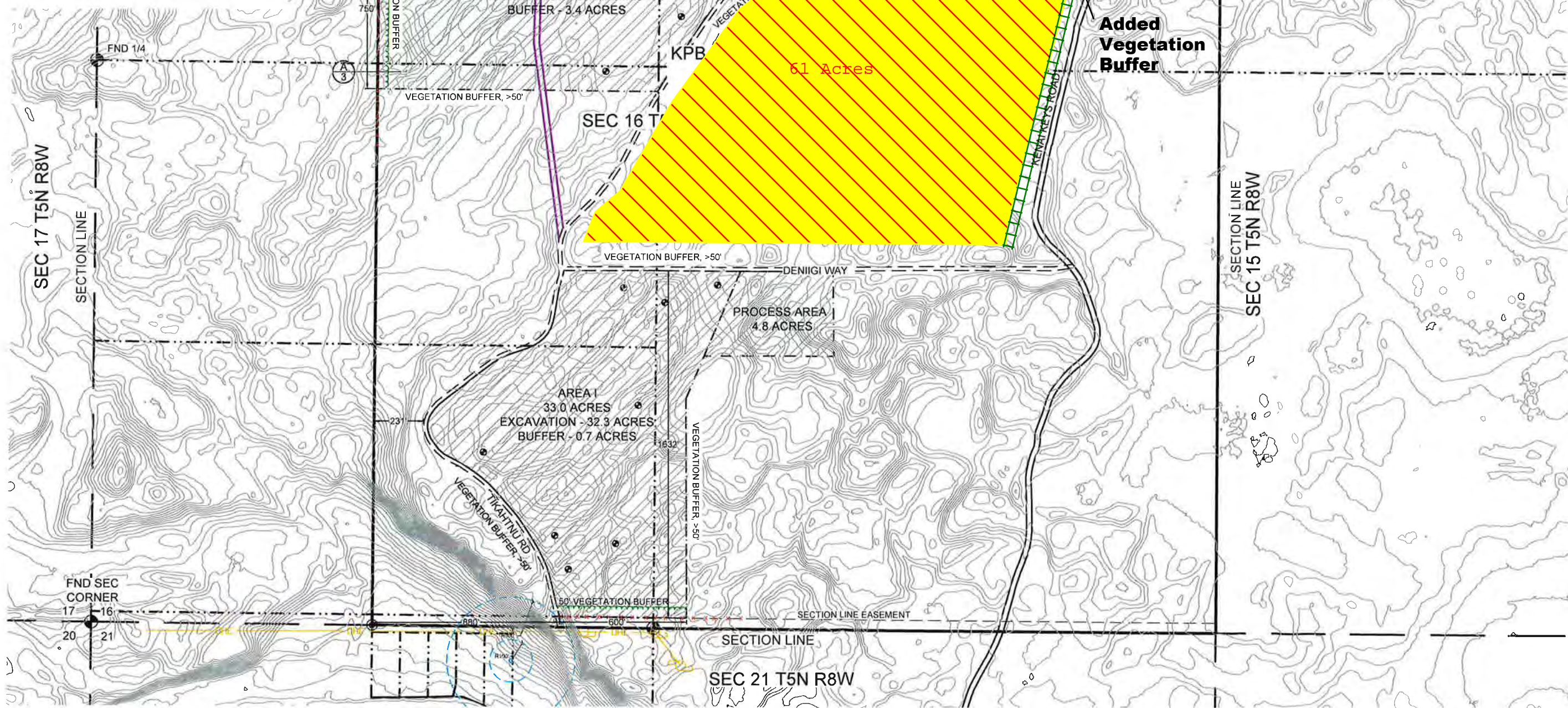
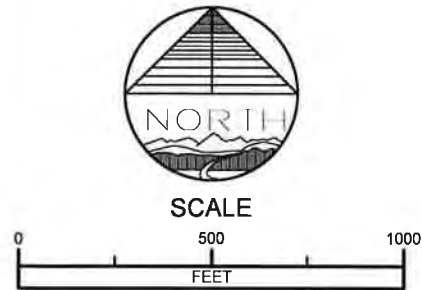
VERT. SCALE: N/A

SHEET: D1

P1

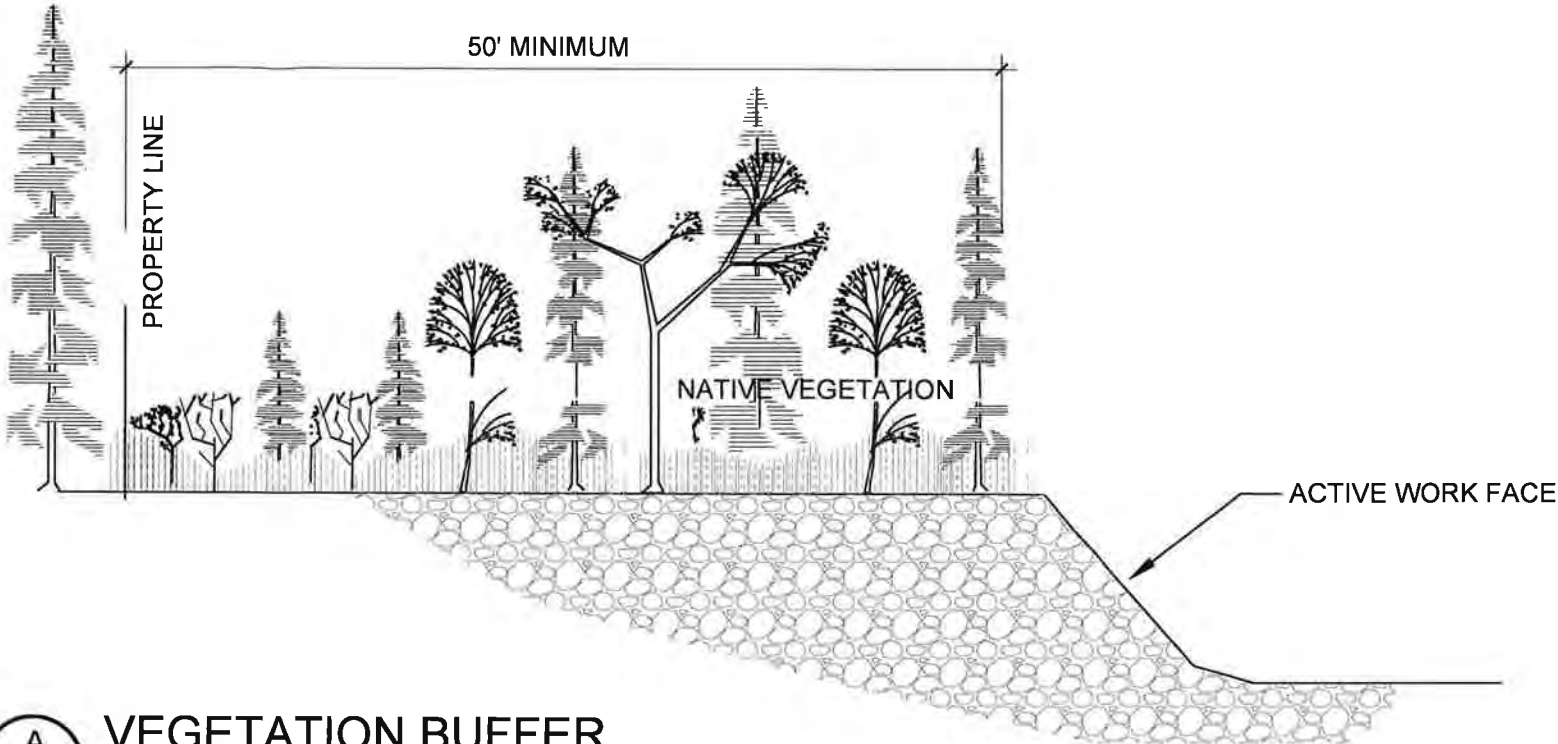
CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

OWNER/APPLICANT:  
ATTN: BEN MOHR  
COOK INLET REGION, INC.  
P.O. BOX 93330  
ANCHORAGE, ALASKA 99509

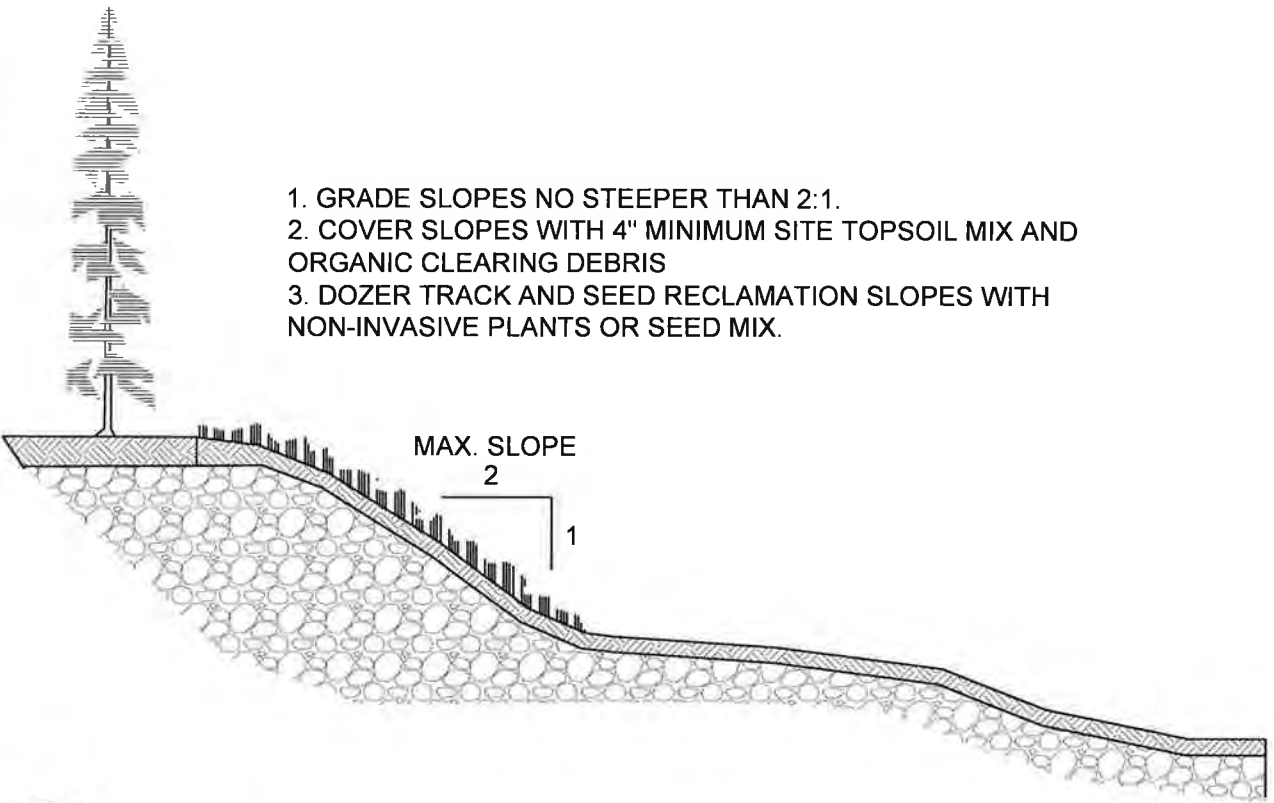


CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

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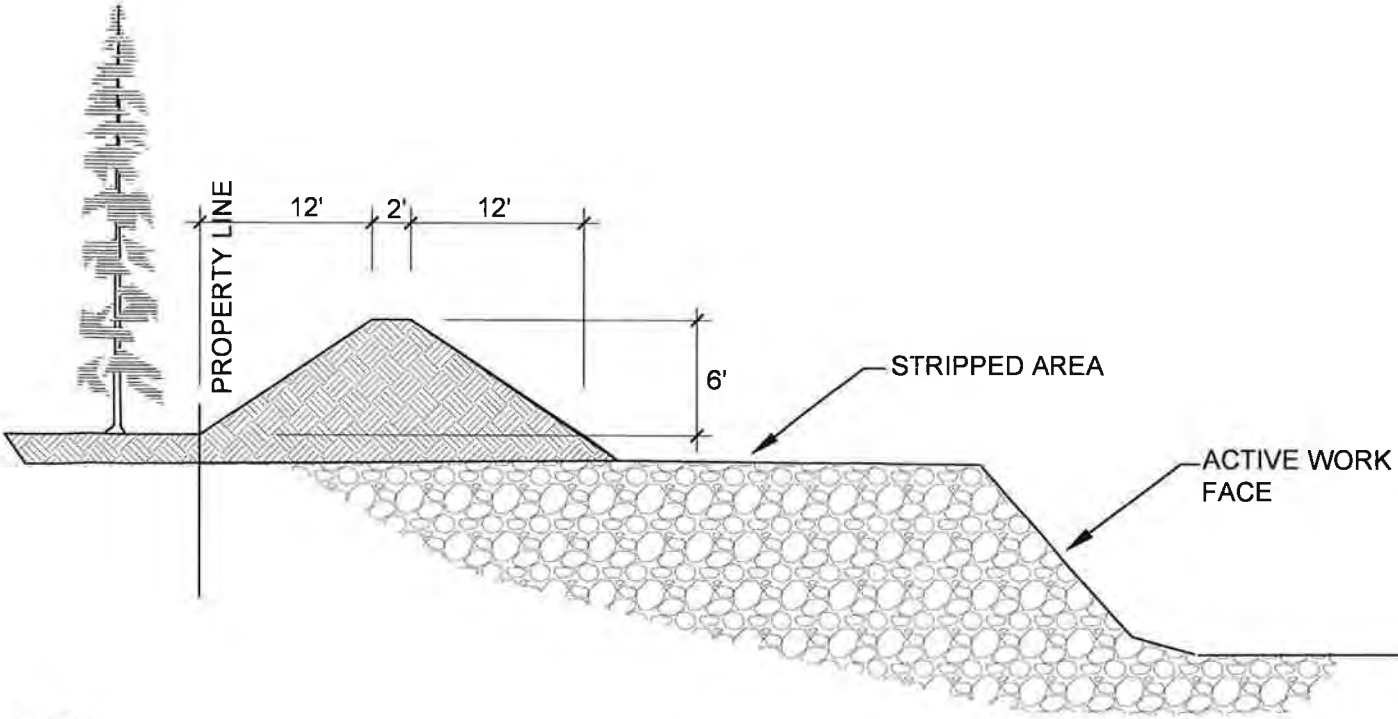


**A**  
3  
**VEGETATION BUFFER**  
SCALE: 1" = 10 FT.



- 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**  
3  
**RECLAMATION SLOPE**  
SCALE: 1" = 10 FT.



**C**  
3  
**EARTHEN BERM BUFFER**  
SCALE: 1" = 10 FT.



REV	DATE	DESCRIPTION	BY
1	XXXX	PERMIT SUBMITTAL	GMD

CIRI TIKAHNU  
MP 79 - 80 STERLING HWY  
CONDITIONAL LAND USE PERMIT  
FIELD WORK DATE: 1/12/2017  
FIELD BOOK NO. 17-03  
JOB NO. 174014



ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 468  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3265  
WWW.MCLANECG.COM

DRAWN BY: BGB  
CHECKED BY: GMD  
HORZ. SCALE: 1" = 500'  
VERT. SCALE: N/A  
SHEET: **P3**



Return to:  
**Suzanne Settle**  
PO Box 93330  
Anchorage, AK 99509-3330

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**EXTENSION OF CONDITIONAL LAND USE PERMIT  
FOR MATERIAL EXTRACTION**

Pursuant to KPB 21.29, the Kenai Peninsula Borough Planning Department hereby extends for a period of 5 years the conditional land use permit for material extraction described below, subject to the conditions of the said permit and the procedures set forth in KPB code.

Permittee:  
**Cook Inlet Region, Inc.**  
PO Box 93330  
Anchorage, AK 99509-3330

Legal Description: **T 5N R 8W SEC 16 SEWARD MERIDIAN KN E1/2 & E1/2 W1/2 & NW1/4  
NW1/4 EXCEPT THAT PORTION PER W/D 383 @ 681**

Parcel: **065-081-18**

Property Owner:  
**Cook Inlet Region, Inc.**  
PO Box 93330  
Anchorage, AK 99509-3330

**Permit Information:**

Permit #**2017-08**

Excavation acreage: Approximately 70.7

Date of issue: 03/27/2017

Recorded as: **2017-006765-0** in the <sup>Kenai</sup> ~~Home~~ recording district

New Expiration date: **3/27/2027**

KPB Planning Director: 

Date: 5/4/21

**SEE ORIGINAL PERMIT FOR CONDITIONS**

CC



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2017-08  
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 the East ½, the East ½ of the West ½, and the Northwest ¼ of the Northwest ¼, of Section 16, Township 5 North, Range 8 West, Seward Meridian, Alaska, excluding the Sterling Highway right-of-way.**

- 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 21.25.040 provides that a permit is required for a sand, gravel or material site; and
- WHEREAS,** on February 24, 2017 the applicant, Cook Inlet Region, Inc., submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 065-081-18, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on March 6, 2017 to the 184 landowners or leaseholders of the parcels within one-half mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice of the application was published in the March 16, 2017 & March 23, 2017 issues of the Peninsula Clarion; and
- WHEREAS,** a public hearing was held at the March 27, 2017 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 February 24, 2017 the applicant, Cook Inlet Region, Inc., submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 065-081-18, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed total disturbed area is approximately 70.7 acres, consisting of two excavation areas of about 33 acres each and a processing area of about 5 acres.
6. To meet material site standard 21.29.040(A1), the proposed activity must protect against aquifer disturbance by maintaining a 2-foot vertical separation from the seasonal high water table and by ensuring that no material extraction takes place within 100 horizontal feet of any existing water source.
7. The test holes on the property indicate that the ground water is greater than 20 feet below existing grade.
8. The applicant's intended depth of excavation is up to 20 feet below the existing grade.
9. The site plan indicates that there is a well located within 300 feet of the property but none within 100 feet of the proposed excavation.
10. To meet material site standard 21.29.040(A2), 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.
11. To meet material site standard 21.29.040(A3), 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.
12. The submitted site plan indicates that the material site haul route is Deniigi Way and Kenai Keys Road to Sterling Highway. The site plan also indicates a new secondary access directly to Sterling Highway. The permittee must provide dust suppression to the portion of the haul route that is located on site.
13. To meet material site standard 21.29.040(A4), 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.

14. The site plan and application proposes the following buffers:  
North: 50-foot vegetated buffer.  
South: 50-foot vegetated buffer.  
East: 50-foot vegetated buffer.  
West: 50-foot vegetated buffer.  
These buffers will reduce the noise disturbance to other properties.
15. The site plan indicates that material processing will take place greater than 300 feet from the property boundaries. Rock Crushing is not allowed to take place between 10:00 p.m. and 6:00 a.m. These material processing restrictions will reduce the noise disturbance to other properties.
16. To meet material site standard 21.29.040(A5), 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.
17. The site plan and application proposes the following buffers:  
North: 50-foot vegetated buffer.  
South: 50-foot vegetated buffer.  
East: 50-foot vegetated buffer.  
West: 50-foot vegetated buffer.  
These buffers will reduce the visual impacts to adjacent properties.
18. To meet material site standard 21.29.040(A6), 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).
19. The applicant has submitted a reclamation plan that omits KPB 21.29.060(C3), which requires the placement of a minimum of four inches of topsoil with a minimum organic content of 5% and precludes the use of sticks and branches over 3 inches in diameter from being used in the reclamation topsoil. These measures are generally applicable to this type of excavation project.
20. The inclusion of the requirements contained in KPB 21.29.060(C3) is necessary to meet the material site standard contained in KPB 21.29.040(A6).
21. The bonding requirement of KPB 21.29.050(12b) will apply to this material site unless it qualifies for exemption from the state bond requirements pursuant to AS 27.19.050.
22. A public hearing of the Planning Commission was held on March 27, 2017 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

**SECTION 2.** That the land use and operations are described and shall be conducted as follows:

- A. A portion of KPB Tax Parcel Number 065-081-18. The material site area within the parcel is approximately 70.7 acres.
- B. The East ½, the East ½ of the West ½, and the Northwest ¼ of the Northwest ¼, of Section 16, Township 5 North, Range 8 West, Seward Meridian, Alaska, excluding the Sterling Highway right-of-way.
- C. The applicant, Cook Inlet Region, Inc., proposes to: 1. Extract gravel and sand from the subject parcel; 2. Reclaim the site to a stable condition upon depletion of material.

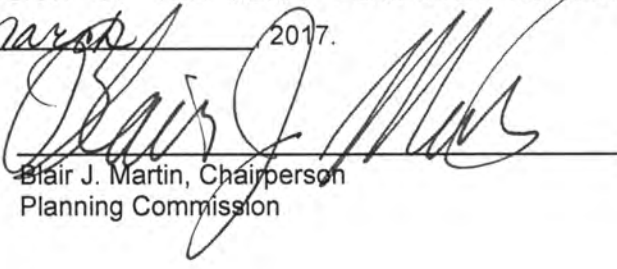
**PERMIT CONDITIONS**

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers:  
North: 50-foot vegetated buffer.  
South: 50-foot vegetated buffer.  
East: 50-foot vegetated buffer.  
West: 50-foot vegetated buffer.  
These buffers shall not overlap an easement.
3. The permittee shall maintain at least a 2:1 slope between the inner buffer zones 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. Rock Crushing shall not take place between 10:00 p.m. and 6:00 a.m.
5. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
6. The permittee shall maintain a 2-foot vertical separation from the seasonal high water table.
7. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
8. 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.
9. 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.
10. 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.
11. The permittee shall apply water or calcium chloride, as needed, on haul roads within the boundaries of the subject parcel.
  12. The permittee shall reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.
  13. The permittee shall post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement does not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
  14. The permittee is responsible for determining the need for any other municipal, state or federal permits and acquiring the same. 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.
  15. 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.
  16. This conditional land use permit is subject to review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.50, a permit may be revoked for failure to comply with the terms of the permit or the applicable provisions of KPB Title 21. The borough clerk shall issue notice to the permittee of the revocation hearing at least 20 days but not more than 30 days prior to the hearing.
  17. 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 27 DAY OF March 2017.

  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

  
Patti Hartley  
Administrative Assistant

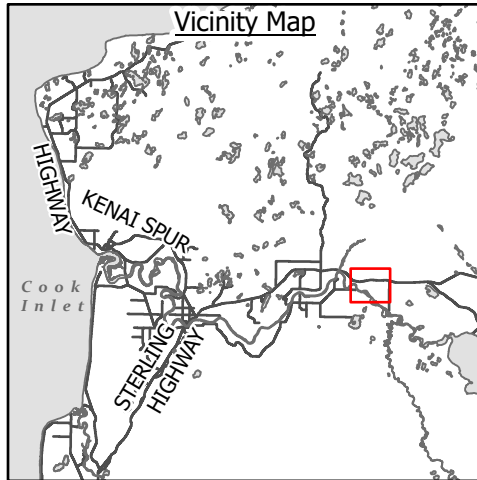
PLEASE RETURN  
Kenai Peninsula Borough Planning Department  
144 North Binkley St.  
Soldotna, AK 99669





**Kenai Peninsula Borough Planning Commission -- July 12, 2021  
Modification to Conditional Land Use Permit for a Material Site**

**Parcels: 065-081-18  
Applicant: Cook Inlet Region, Inc.**



**LEGEND**

- KPB Tax Parcels
- Subject Parcel

**Aerial Imagery: 2016**

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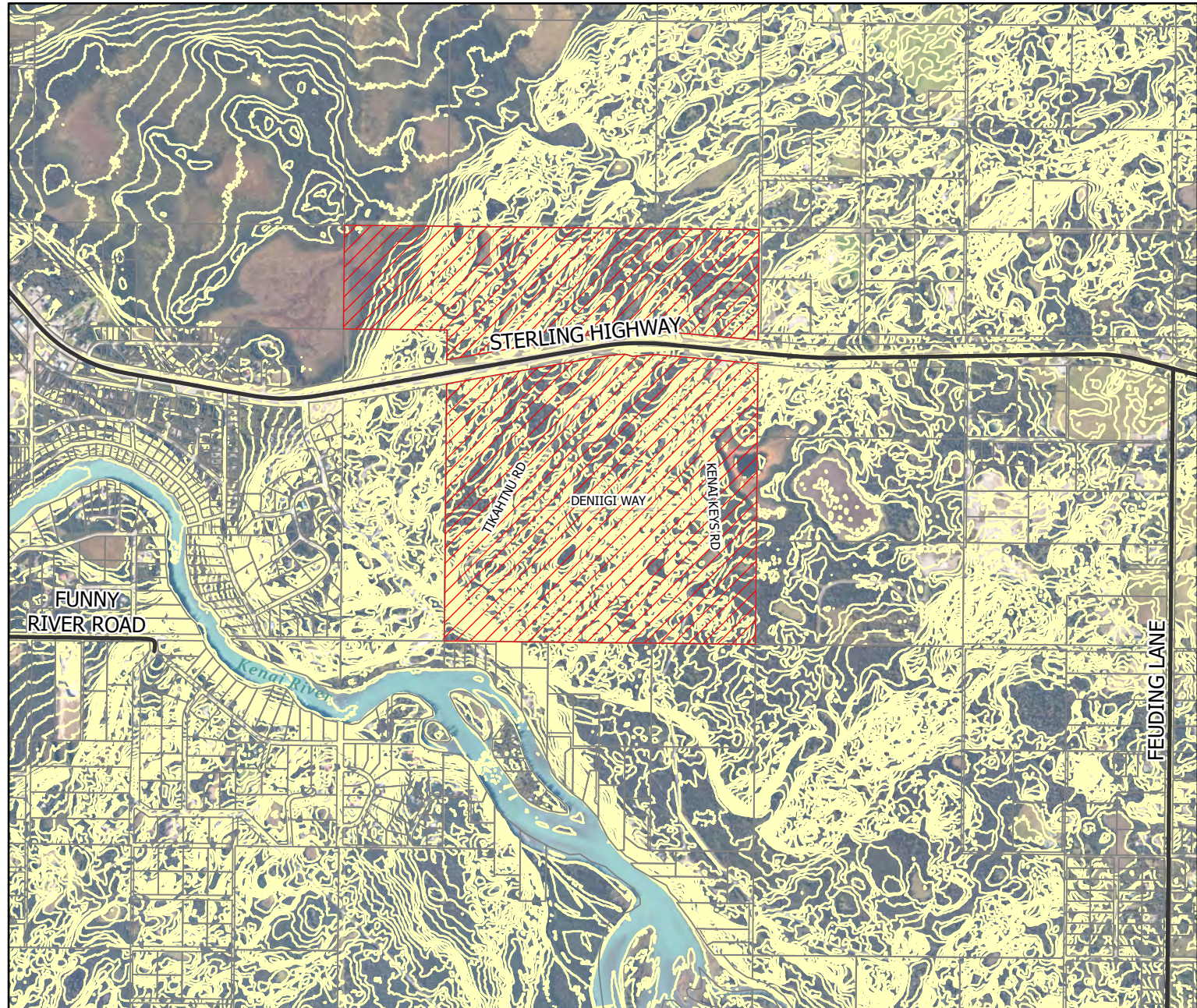
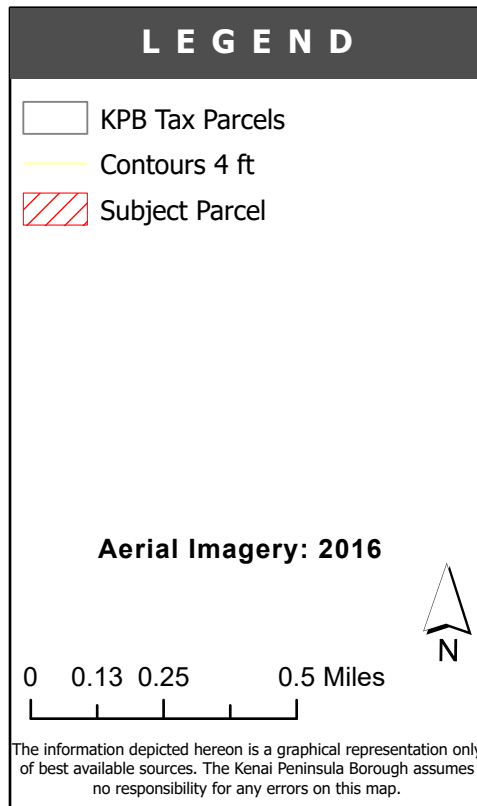
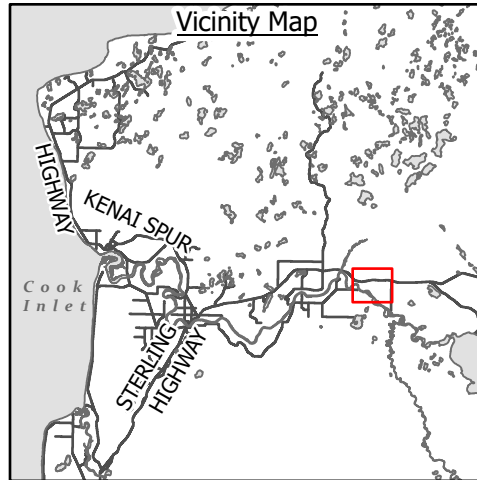


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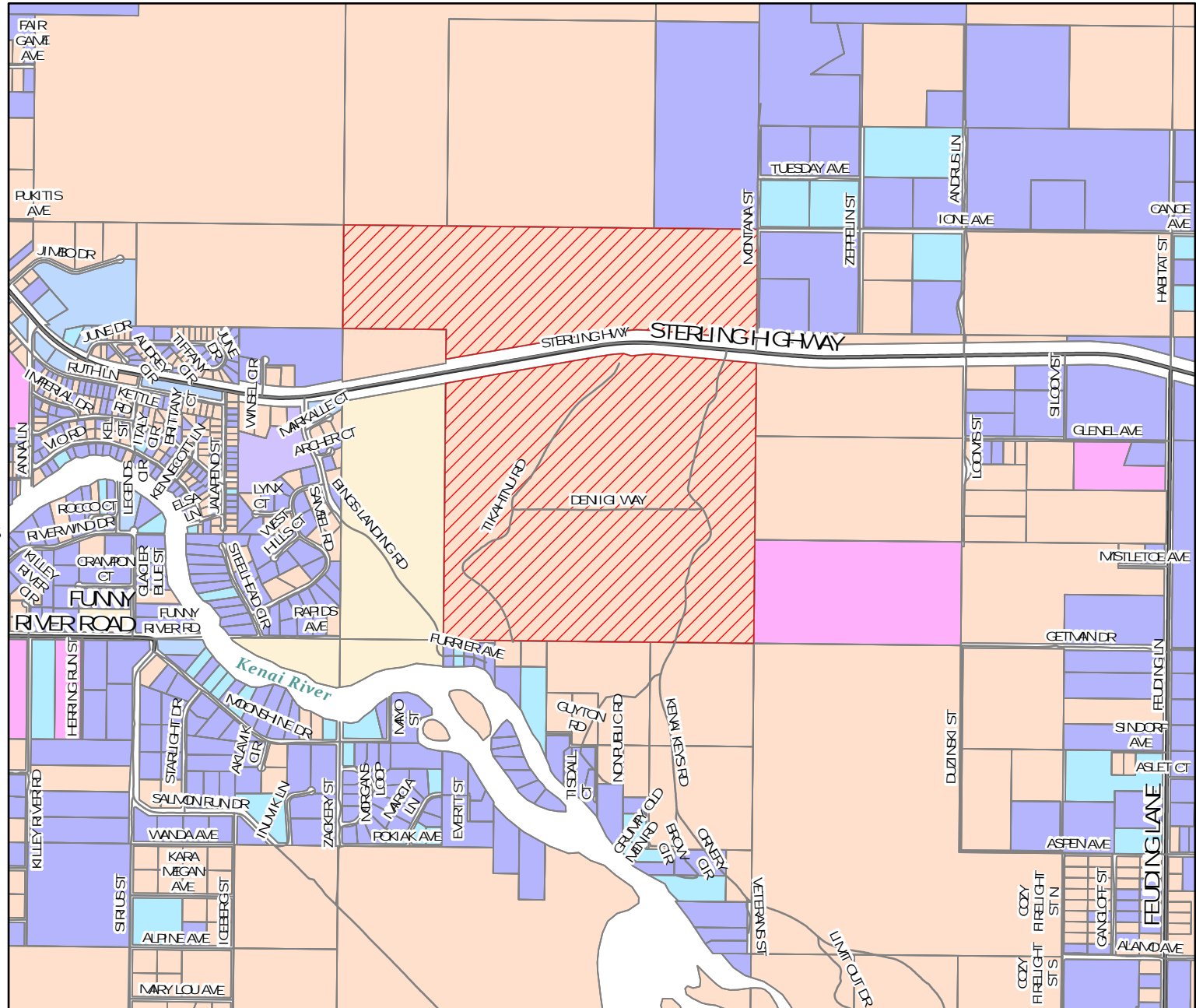
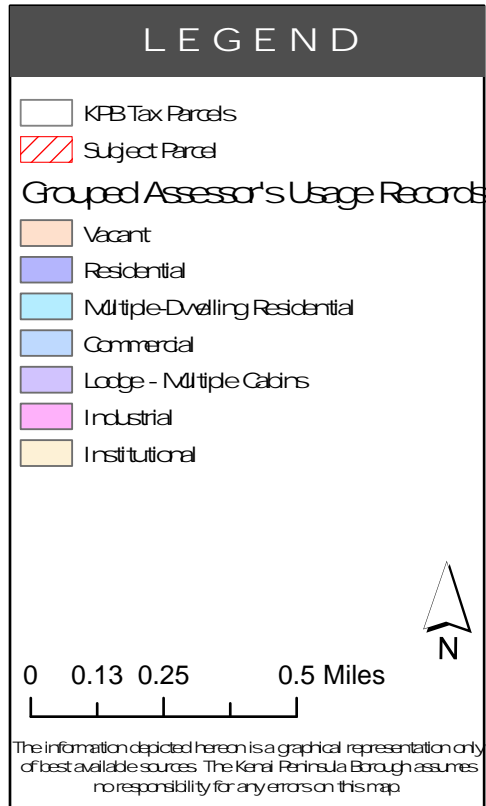
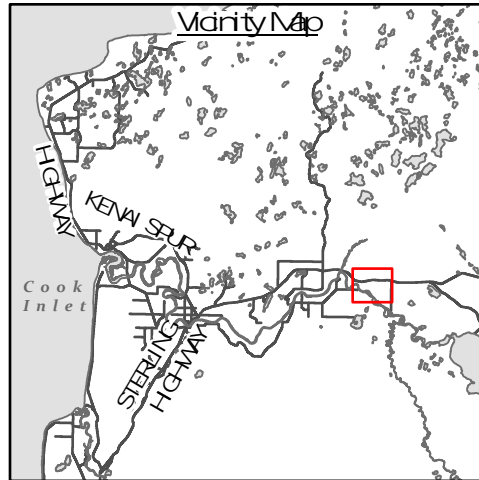
**Kenai Peninsula Borough Planning Commission -- July 12, 2021  
Modification to Conditional Land Use Permit for a Material Site**

**Parcels: 065-081-18  
Applicant: Cook Inlet Region, Inc.**



Kenai Peninsula Borough Planning Commission -- July 12, 2021  
Modification to Conditional Land Use Permit for a Material Site

Parcels 065-081-18  
Applicant: Cook Inlet Region, Inc







## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

«OWNER»  
«ATTENTION»  
«ADDRESS»  
«CITYSTATEZIP»

### KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application to modify an approved conditional land use permit for material extraction has been received for a parcel in the Soldotna area. This notice is being sent to landowners located within ½ mile of the subject property. All members of the public are invited to comment. Details of the application under consideration are as follows:

**Applicant:** Cook Inlet Region, Inc.

**Landowner:** Cook Inlet Region, Inc.

**Parcel Number:** 065-081-18

**Legal Description:** T 5N R 8W SEC 16 SEWARD MERIDIAN KN E1/2 & E1/2 W1/2 & NW1/4 NW1/4 EXCEPT THAT PORTION PER W/D 383 @ 681

**Location:** Sterling Highway mile 79.5

**Proposed Land Use:** The applicant wishes to modify an existing material site permit to add an additional 61 acres to the permitted extraction area.

**KPB Code:** Conditional land use permit modification applications for material extraction are reviewed in accordance with KPB Code 21.25 and 21.29. Copies of these ordinances are available from the Planning Department or at: [www.kpb.us](http://www.kpb.us)

**Public Hearing:** A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday, July 12, 2021**, commencing at 7:30 p.m., or as soon thereafter as business permits.

**Please be aware that due to the recent COVID-19 pandemic and based on CDC guidelines, the meeting will not be physically open to the public. Instructions are as follows:** The meeting will remain open to the public. The Planning Commissioners, along with staff members, will be attending via teleconferencing. The public will be able to listen or participate with the same methods. The meeting will be held through Zoom. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID of **208 425 9541**. If you connect by computer and do not have speakers or a microphone, connect online and then select

phone for audio. A box will come up with the toll free numbers, the Meeting ID, and your participant number. Instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>

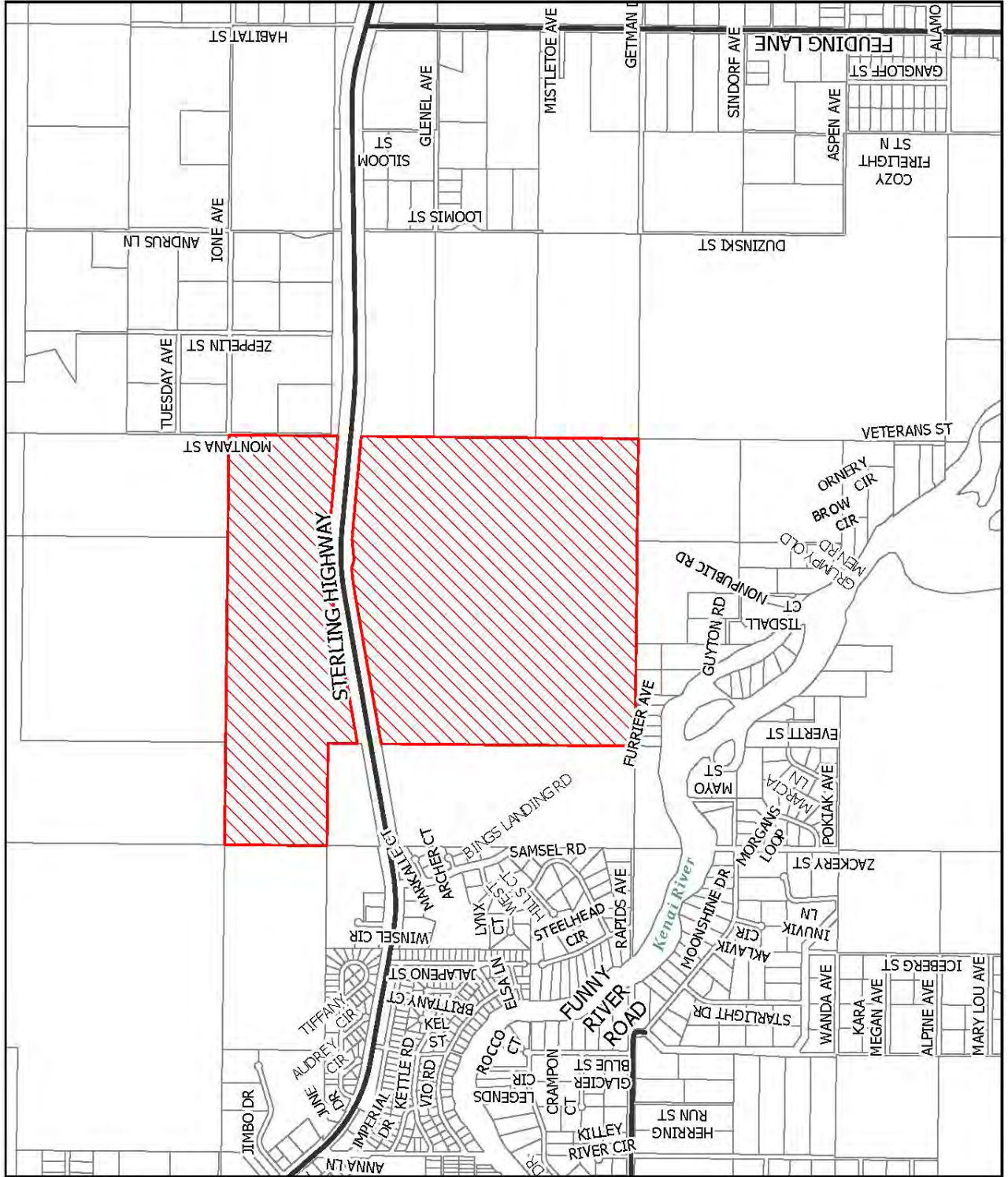
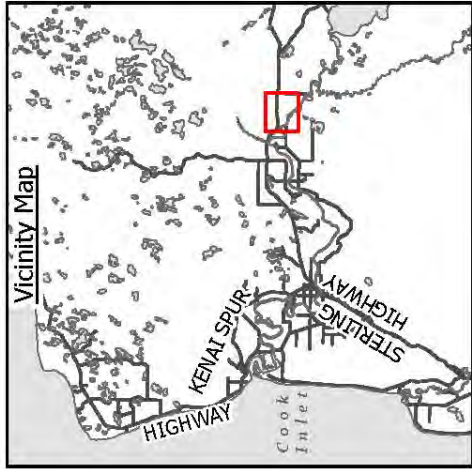
If you have question or experience technical difficulties, please contact the Planning Department at (907) 714-2200.

**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 [btaylor@kpb.us](mailto:btaylor@kpb.us). Please provide written statements by Thursday, July 9, 2021.

The staff report will be available on the Planning Commission website a week prior to the meeting. For additional information please call the planning department at (907) 714-2200, or 1-800-478-4441 (toll free within the Borough).

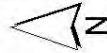
# Kenai Peninsula Borough Planning Commission -- July 12, 2021 Modification to Conditional Land Use Permit for a Material Site

**Parcels: 065-081-18**  
**Applicant: Cook Inlet Region, Inc.**



## LEGEND

- KPB Tax Parcels
- Subject Parcel

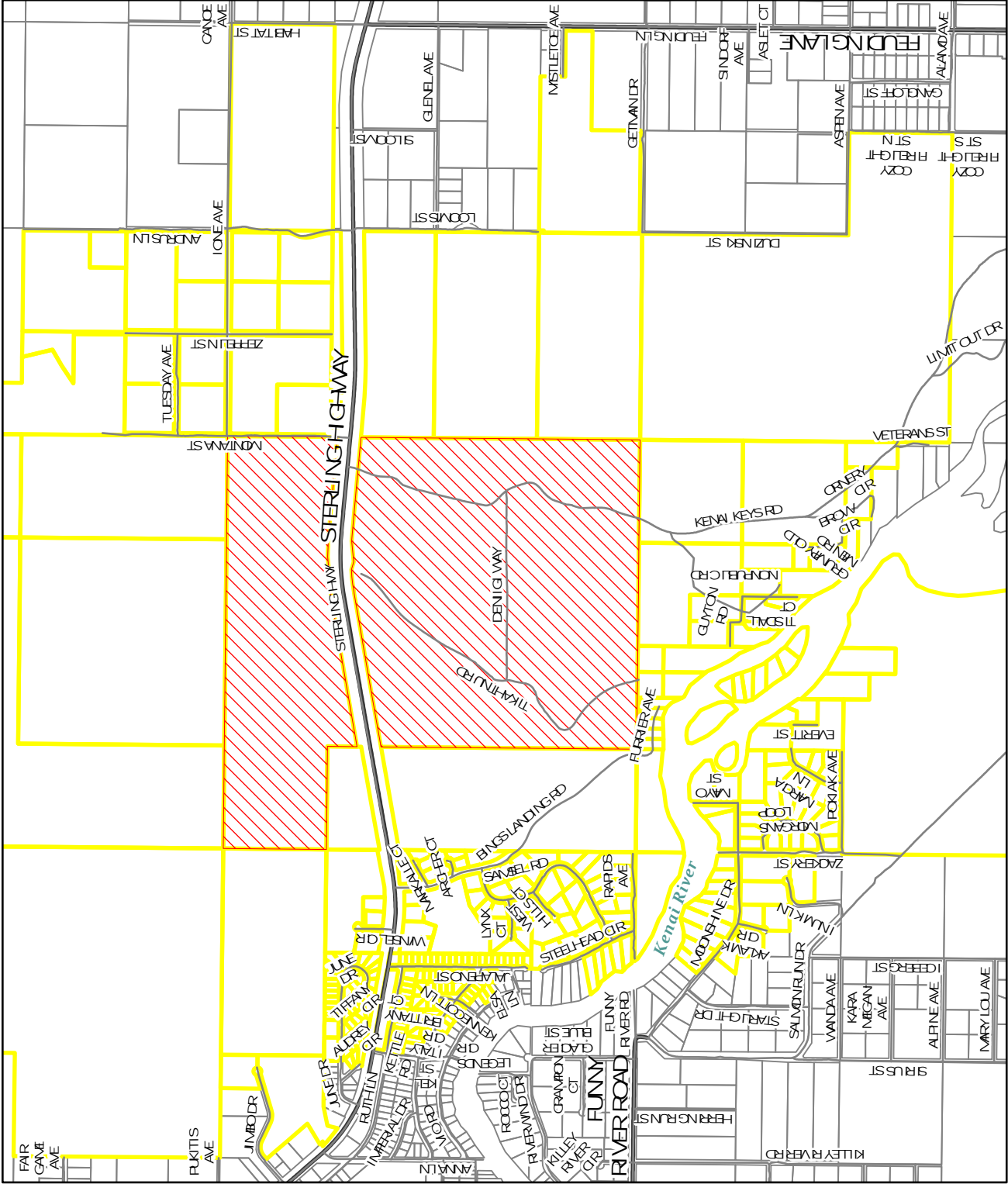
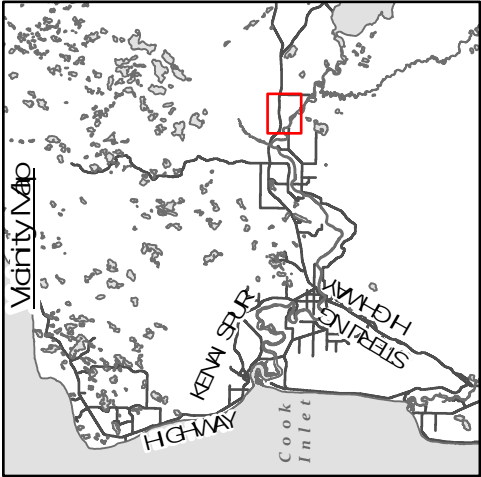


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Kenai Peninsula Borough Planning Commission -- July 12, 2021  
Modification to Conditional Land Use Permit for a Material Site

Parcels: 065-081-18  
Applicant: Cook Inlet Region, Inc.



LEGEND

- KPB Tax Parcels
- Subject Parcel
- Properties within 1/2 mile



0 0.13 0.25 0.5 Miles

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