

(MEETING MATERIALS FROM THE SEPTEMBER 9, 2024 MEETING)

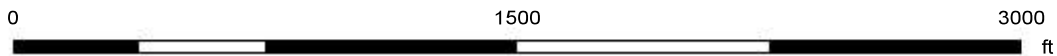
E. NEW BUSINESS

3. Conditional Land Use Permit Modification; MS2015-005

Applicant: Sean Cude

Request: Modification to PC Resolution 2014-20 to allow excavation into the water table and for temporary localized dewatering.

**Location: 36498 Virginia Drive
Kalifornsky Area**



SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

Project Description:

Vicinity: Kalifornsky



Map created by Raidmae, Ryan
Friday, August 16, 2024

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Project Area

KPB Parcel(s):

05527001

River Miles



Tax Parcels



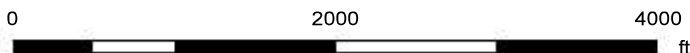
Material Sites

PEU

CLUP

EXPIRED

Local Option Zones





Ownership Map

SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

River Miles

Parcel Ownership Type

Parcel Ownership

- Borough
- Federal
- Native
- Municipal
- Private
- State



Map created by Raidmae, Ryan

Friday, August 16, 2024



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Terrain Map

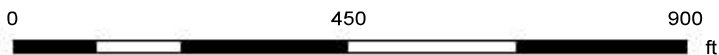
SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

Tax Parcels





Wetlands Map

SBC 2012 Irrevocable Trust LLC

Project Area

KPB Parcel(s):

05527001

River Miles



Tax Parcels



Landcover Features

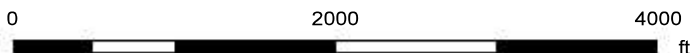
KWF Wetlands Assessment

- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex



Map created by Raidmae, Ryan

Friday, August 16, 2024



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Habitat Protection Area Map

SBC 2012 Irrevocable
Trust LLC

Project Area

KPB Parcel(s):

05527001

River Miles



Tax Parcels



Habitat

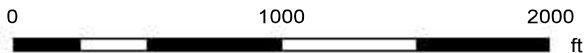
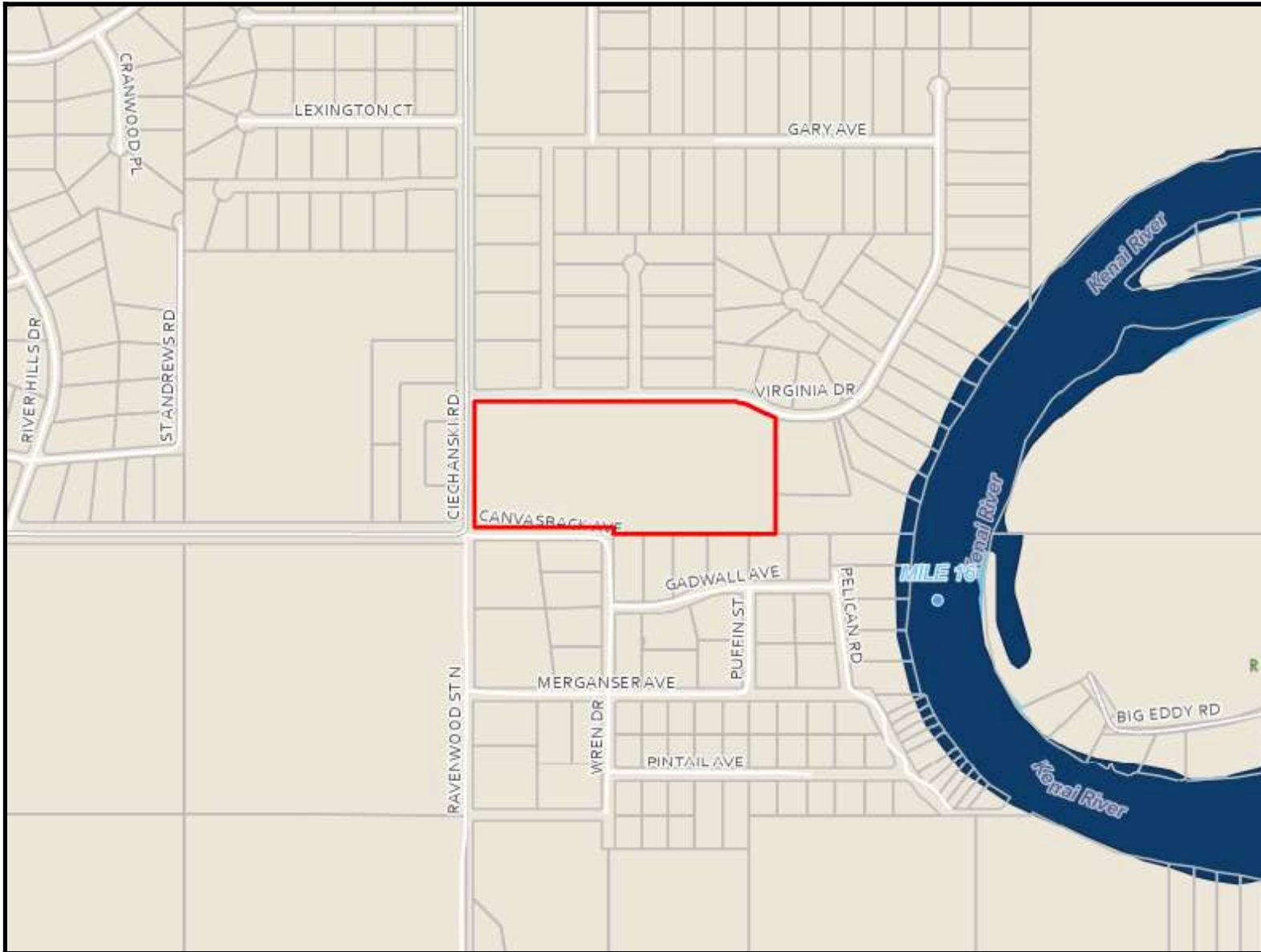
KPB 2118 - KPB 2118 Districts

KPB 2118 - KPB 2118 Anadromous
Streams

- Exempt
- Managed
- Unregulated
- others

KPB 2118 - KPB 2118 Anadromous
Lakes and Areas

- Exempt
- Managed
- Unregulated
- n/a



KPB 21.29

Conditional Land Use Permit Application

For a new or modified Sand, Gravel or Material Site

I. APPLICANT INFORMATION New Modification

Applicant SBC 2012 Irrevocable Trust LLC Landowner SBC 2012 Irrevocable Trust LLC
Address 42115 Kalifornsky Beach Road Ste B Address 42115 Kalifornsky Beach Road Ste B
City, State, Zip Soldotna Alaska 99669 City, State, Zip Soldotna Alaska 99669
Telephone 907-262-5761 Cell 907-398-7375 Telephone 907-262-5761 Cell 907-398-7375
Email sean@sbcdevelopmentgroup.com Email sean@sbcdevelopmentgroup.com

II. PARCEL INFORMATION

KPB Tax Parcel ID# 05527001 Legal Description T5N R11W Section 24 SM KN2015-012
Diamond Willow Estates Subdivision Part 13 Tract 13

If permit is not for entire parcel, describe specific location within parcel to be material site, e.g.; "N1/2 SW1/4 NE1/4 – 10 acres", or "5 acres in center of parcel".

modification to 8.8 acres of the currently permitted area


III. APPLICATION INFORMATION "Check" boxes below to indicate items included.

- \$1,000.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)
- Site Plan, to scale, prepared by a professional surveyor (licensed and registered in Alaska) showing, where applicable:
- | | |
|--|--|
| <input type="checkbox"/> parcel boundaries | <input type="checkbox"/> location/depth of testholes, and depth to groundwater, if encountered |
| <input type="checkbox"/> location of boundary stakes within 300 ft. of excavation area (to be in place at time of application) | <input type="checkbox"/> location of all wells within 300 ft. of parcel boundary |
| <input type="checkbox"/> proposed buffers, or requested buffer waiver(s) | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands |
| <input type="checkbox"/> proposed extraction area(s), and acreage to be mined | <input type="checkbox"/> surface water protection measures |
| <input type="checkbox"/> proposed location of processing area(s) | <input type="checkbox"/> north arrow and diagram scale |
| <input type="checkbox"/> all encumbrances, including easements | <input type="checkbox"/> preparer's name, date and seal |
| <input type="checkbox"/> points of ingress and egress | |
| <input type="checkbox"/> anticipated haul routes | |
- Site Plan Worksheet (attached)
- Reclamation Plan (attached) and bond, if required. Bond requirement does not apply to material sites exempt from bonding requirements pursuant to AS 27.19.050

Please Note: If a variance from the conditions of KPB 21.29 is requested, a variance application must be attached. (A variance is NOT the same thing as a waiver.)

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 application.


Applicant

7/31/24
Date

Landowner (required if not applicant)

Date

Site Plan Worksheet for Conditional Land Use Permit Application

Use additional space provided on next page, if necessary. Indicate item # next to comments.

Applicant SBC 2012 Irrevocable Trust Owner SBC 2012 Irrevocable Trust

KPB Tax Parcel ID # 05527001 Parcel Acreage 19.36

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 19.36 acres
2. Material to be mined (check all that apply): gravel sand peat other(list) _____
3. Equipment to be used (check all that apply): excavation processing other _____
4. Proposed buffers as required by KPB 21.29.050.A.2 (check all types and directions that apply):

- | | | | | | | | | | | | | | | | | | |
|--|---|---------------------------------------|---------------------------------------|---------------------------------------|----------------------------|---------------------------------------|---------------------------------------|----------------------------|---------------------------------------|----------------------------|---------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| <input type="checkbox"/> 50 ft. of natural or improved vegetation
<input type="checkbox"/> minimum 6 ft. earthen berm
<input type="checkbox"/> minimum 6 ft. fence
<input type="checkbox"/> other _____ | <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> N</td> <td><input type="checkbox"/> S</td> <td><input checked="" type="checkbox"/> E</td> <td><input type="checkbox"/> W</td> </tr> <tr> <td><input checked="" type="checkbox"/> N</td> <td><input checked="" type="checkbox"/> S</td> <td><input type="checkbox"/> E</td> <td><input checked="" type="checkbox"/> W</td> </tr> <tr> <td><input type="checkbox"/> N</td> <td><input checked="" type="checkbox"/> S</td> <td><input type="checkbox"/> E</td> <td><input type="checkbox"/> W</td> </tr> <tr> <td><input type="checkbox"/> N</td> <td><input type="checkbox"/> S</td> <td><input type="checkbox"/> E</td> <td><input type="checkbox"/> W</td> </tr> </table> | <input type="checkbox"/> N | <input type="checkbox"/> S | <input checked="" type="checkbox"/> E | <input type="checkbox"/> W | <input checked="" type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input checked="" type="checkbox"/> W | <input type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W | <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |
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| <input type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W | | | | | | | | | | | | | | |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W | | | | | | | | | | | | | | |

5. Proposed depth of excavation: 45 (elev. 48) ft. Depth to groundwater: 30 (elev. 66) ft.
6. How was groundwater depth determined? monitor wells
7. A permit modification to enter the water table will be requested in the future: Yes No
8. Approx. annual quantity of material, including overburden, to be mined: <50,000 cubic yards
9. Is parcel intended for subdivision? Yes No
10. Expected life span of site? 20 years
11. If site is to be developed in phases, describe: the excavation acreage, anticipated life span, and reclamation date for each phase: (use additional space on page 4 if necessary)
 As mining above groundwater is complete, excavation below groundwater will begin at the eastern section of the site and move westerly. The slopes will be dressed at 2:1 and portion above ground water will be seeded.
 The intent is to reclaim the property to support at least 2 water front residential lots.
12. Voluntary permit conditions proposed (additional buffers, dust control, limited hours of operation, etc.)
 - A. _____
 - B. _____
 - C. _____

Material Site Reclamation Plan for Conditional Land Use Permit Application

1. All disturbed land shall be reclaimed upon exhausting the material on-site, so as to leave the land in a stable condition.
2. All revegetation shall be done with a "non-invasive" plant species.
3. Total acreage to be reclaimed each year: up to 2 acres
4. List equipment (type and quantity) to be used in reclamation:

Excavator, dozer, loader

5. Describe time schedule of reclamation measures:

Reclamation will be completed annually before the September growing season. In order to minimize erosion, seeding will be applied as necessary each season to the areas that achieve final grade.

6. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every plan – **"check" all that apply to your plan.**

Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.

The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.

Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.

Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.

Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).

Ponding will be used as a reclamation method. (Requires approval by the planning commission.)

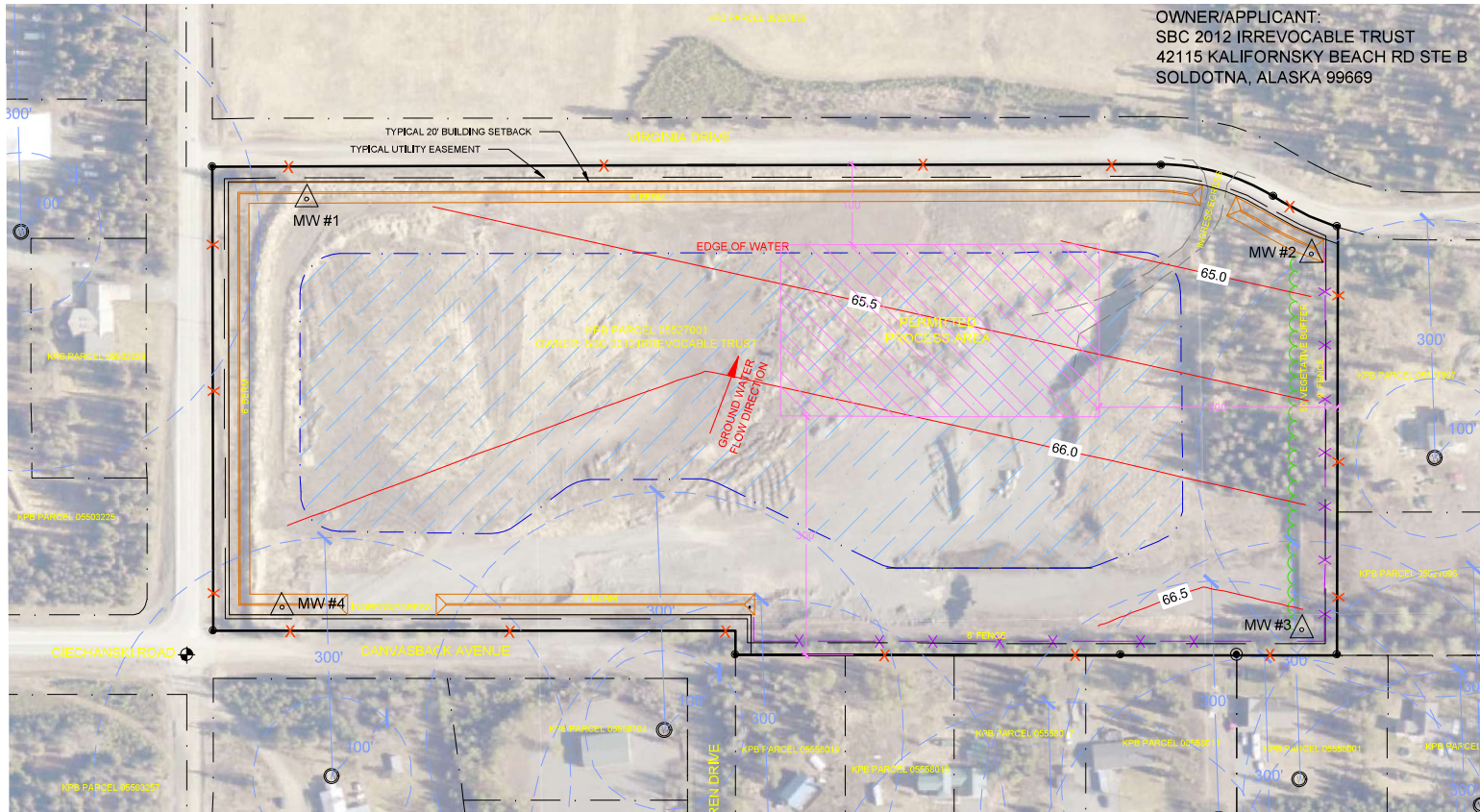
ADDITIONAL APPLICATION COMMENTS

(Please indicate the page and item # for which you are making additional comments.)

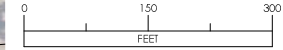
This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering during excavation practices. Dewatering will be intermittent and all waters will be outlet within the same property.

MODIFICATION TO CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

MCLUP



OWNER/APPLICANT:
SBC 2012 IRREVOCABLE TRUST
42115 KALIFORNKY BEACH RD STE B
SOLDOTNA, ALASKA 99669



REV	DATE	DESCRIPTION	BY
1	12/20/2024	MCLUP GROUNDWATER ENTRY	GMD
2			
3	9/10/2024	SURVEYOR STAMP	ANDREW HAWKINS

DIAMOND WILLOW EST. SUBD PT13 TR13
CONDITIONAL LAND USE PERMIT
MONITOR WELL PLAN

FIELD BOOK NO. 14-18
JOB NO. 22401
FIELD WORK DATE: JULY 12, 2014



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

DRAWN BY: GMD
CHECKED BY: GMD
HORZ. SCALE: 1" = 150'
VERT. SCALE: N/A
SHEET: P1

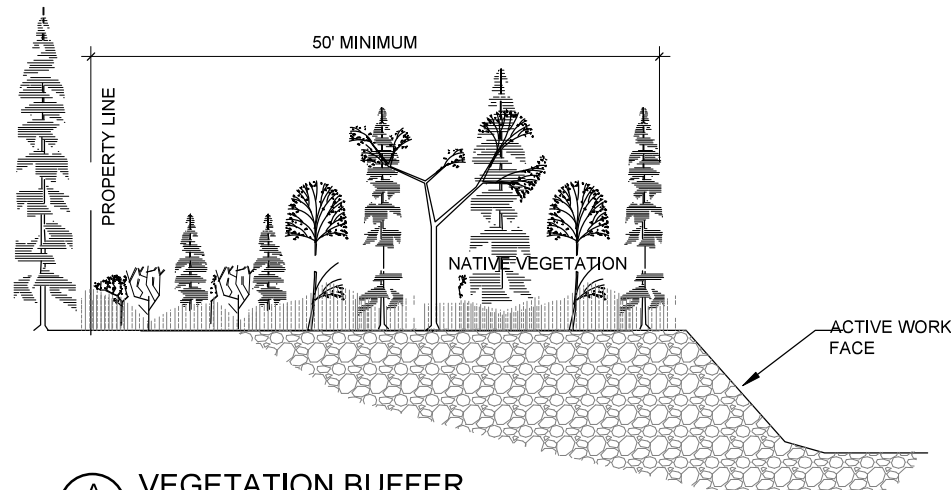
NOTES

1. KPB PARCEL 05527001; T5N R11W SECTION 24 SEWARD MERIDIAN, KN2015012 DIAMOND WILLOW ESTATES SUBDIVISION PART 13 TRACT 13.
2. KPB CONDITIONAL LAND USE PERMIT UNDER RESOLUTION 2014-20.
3. MONITOR WELLS WERE INSTALLED IN AT THE 4 SHOWN LOCATIONS BY KRAXBERGER DRILLING ON MARCH 24, 2023.
4. GROUNDWATER ELEVATIONS HAVE BEEN MONITORED QUARTERLY SINCE APRIL 2023.
5. MONITOR WELLS WILL BE MAINTAINED AND MEASUREMENTS RECORDED FOR THE LIFE OF THE MATERIAL SITE.
6. AREA OF POTENTIAL SURFACE WATER IS SHOWN HEREON AT 8.8 ACRES. NO EXCAVATION WILL TAKE PLACE WITHIN 300' OF THE WATER WELLS IN EXISTENCE AT THE TIME OF THE CLUP.
7. ADJACENT WELLS AT TIME OF CLUP ISSUANCE ARE SHOWN HEREON.
8. SURVEY MONUMENTATION AND BOUNDARY OF TRACT 13, DIAMOND WILLOW ESTATES SUBDIVISION PART 13 (KN2015012) SHOWN HEREON IS DERIVED FROM A FIELD SURVEY CONDUCTED BY MCLANE CONSULTING INC. ON JULY 12, 2014.

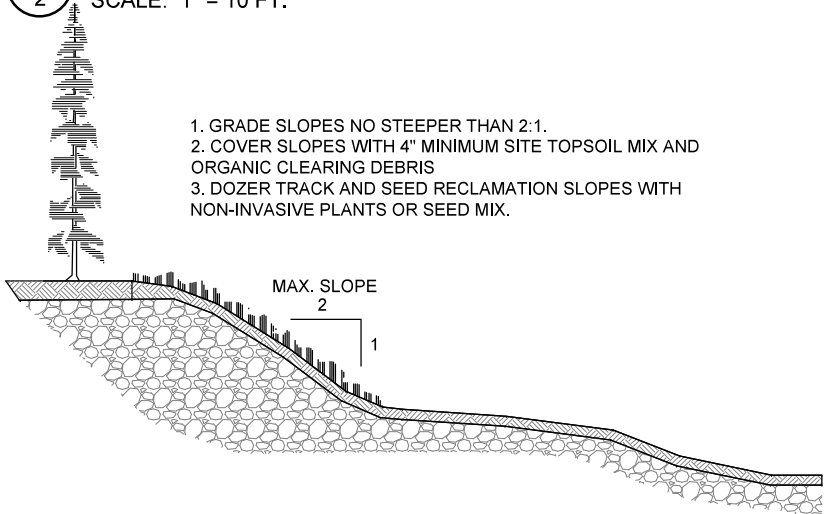
LEGEND

	SURVEY MONUMENT		VEGETATIVE BUFFER
	PROPERTY BOUNDARY		6' BERM
	EXISTING WELL		6' FENCE
	WELL SETBACK		TEST HOLE
	INTERMITTENT FLAGGING		MONITOR WELL
	MAXIMUM EDGE OF WATER ENTRY		POTENTIAL SURFACE WATER
			PERMITTED PROCESSING AREA

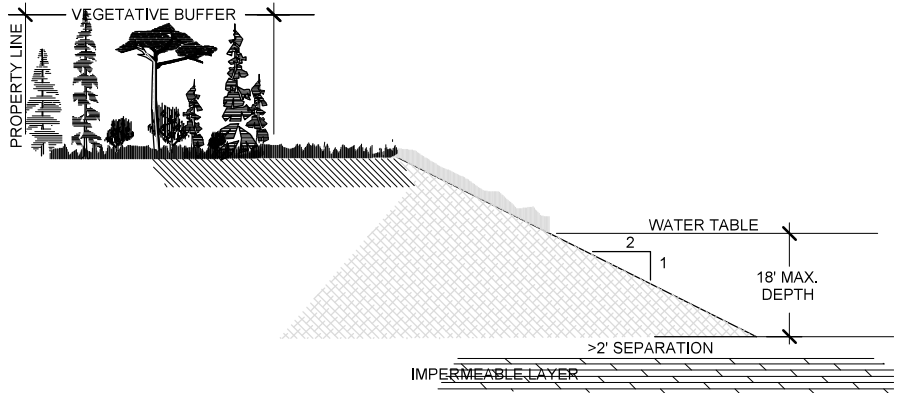
CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE



A VEGETATION BUFFER
2 SCALE: 1" = 10 FT.



B RECLAMATION SLOPE
2 SCALE: 1" = 10 FT.



C RECLAMATION SLOPE W/IN WATER TABLE
2 NOT TO SCALE

1. GRADE SLOPES NO STEEPER THAN 2:1.
2. DO NOT EXCAVATE INTO THE AQUIFER CONFINING LAYER.
3. ORGANICS AND SILT STRIPPED FROM PIT MAY BE STOCKPILED AND USED FOR RECLAMATION SLOPE FLATTENING.
4. COVER SLOPES WITH 4" MINIMUM SITE TOPSOIL MIX AND ORGANIC CLEARING DEBRIS.
5. DOZER TRACK AND SEED ALL RECLAMATION SLOPES ABOVE GROUNDWATER LEVEL WITH NON-INVASIVE PLANTS OR SEED MIX.

REV	DATE	DESCRIPTION	BY
1	12/26/2024	MCLUP GROUNDWATER ENTRY	GMD
2	01/02/2024	ADDED PROCESS AREA	GMD

KENAI PENINSULA BOROUGH
DIAMOND WILLOW
CONDITIONAL LAND USE PERMIT

FIELD BOOK NO. 14-18
JOB NO. 224001
FIELD WORK DATE JULY 12, 2014

McLANE Consulting Inc
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99589
VOICE: (907) 283-4218
FAX: (907) 283-3286
WWW.MCLANECG.COM

DRAWN BY:	GMD
CHECKED BY:	GMD
HORZ. SCALE:	1" = 100'
VERT. SCALE:	N/A
SHEET:	P2

**Conditional Land Use Permit
Materials Site
Staff Report**

PC Res No.	2024-12
Planning Commission Meeting:	Monday, September 9, 2024
Applicant	SEAN CUDE
Mailing Address	42115 Kalifornsky Beach RD Soldotna, AK 99669
Legal Description	T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2015012 DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13
Physical Address	36498 Virginia Drive
KPB Parcel Number	05527001

Project Description

The applicant wishes to obtain a Conditional Land Use Permit Modification, to Permit Resolution 2014-20, to allow for material extraction in the water table and for temporary localized dewatering during excavation. Dewatering will be intermittent, and all waters will be contained within a portion of the parcel listed above.

The site plan indicates that the material haul route will be as follows: Haul route will access the site from two locations (Northeast corner of property at Virginia Drive and Southwest corner of property at Canvasback Ave)

The site plan and application propose the following buffers:

- North: minimum 6 ft. earthen berm
- South: minimum 6 ft. earthen berm, minimum 6 ft. fence
- East: 50 ft. of natural or improved vegetation
- West: minimum 6 ft. earthen berm

The subject property is bordered on the Northside by the 60-foot-wide right of way of Virginia Drive. On the Eastside of the property is the residential neighborhood of Diamond Willow Estates Part 11. Diamond Willow Estates is a subdivision that is included in the Local Option Zoning District of Diamond Willow – Fairfield, which is adjacent to the subject parcel. On the Southside of the property is the residential neighborhood of Ravenwood, Subdivision 2 and 4, along with the 60-foot-wide right of way of Canvasback Avenue. On the West side of the property is the 83-foot-wide right of way of Ciechanski Road.

The site plan completed by McLane Consulting Inc., states that ground water is approximately 27 feet below original ground based on 4 monitor wells that were installed on March 24, 2023 by Kraxberger Drilling. The application states that the proposed depth of material excavation will be 45 feet, which will equate to 18 feet below the seasonal highwater table. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d). As a condition of dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000 or \$10,000 a well.

Plan notes state that there are no wet lands or surface waters within the property boundaries. A central area will be maintained as a processing area, which will be at least 300 feet from the East, South, West property lines. The applicant requests a waiver from the 300-foot processing distance on the Northside of the property due to the fact that the property is only approximately 615 feet wide. The site plan also indicates that there are 8 wells located within 300 feet of the proposed use area.

The application states that final reclamation will include ponding to support at least 2 waterfront residential lots. The applicant has requested that the Planning Commission grant approval according to 21.29.060(C)(6). The application further states that grading and re-contouring will incorporate strippings, overburden, and topsoil to a condition that allows for the re-establishment of natural vegetation. Slopes steeper than 2:1 will be seeded. The application also states that up to 2 acres will be reclaimed each year and reclamation will be completed annually before the growing seasons ends.

The applicant estimates a life span of 20 years for the site and an annual extraction quantity of less than 50,000 cubic yards cubic yards of material.

Public Notice

Public notice of the application was mailed on 8/21/2024 to the 325 landowners or leaseholders of the parcels within a half-mile of the subject parcel. Public notice was sent to the postmaster covering the Kalifornsky vicinity requesting that it be posted at the Post Office.

Agency Review

Agency review was distributed on August 14, 2024 to pertinent KPB staff and other agencies.

Findings of Fact pursuant to KPB 21.25 and 21.29:

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. KPB 21.29 provides that a Conditional Land Use Permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
4. A public hearing of the Planning Commission was held on Monday, September 9, 2024 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
5. The proposed cumulative disturbed area within the parcel is approximately 19.36 acres.

Parcel Boundaries

6. All boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. The site plan indicates the property boundary within 300 feet of the work area was staked in 2024.

Buffer Zone

7. A buffer zone shall be maintained around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement:

- a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
8. A 2:1 slope shall be maintained between the buffer zone and excavation 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.
 9. Per KPB 21.19.050(A)(c), buffers provided using vegetation and/or a fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission.
 10. Buffers shall not cause surface water diversion which negatively impacts adjacent properties or waterbodies.
 11. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.

Processing

12. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the East, South and West property lines. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
13. The applicant has requested a waiver to process materials within 100 feet of the North property line.

Water Source Separation

14. Material extraction is prohibited within 100 horizontal feet of any water source existing prior to the original permit issuance.
15. The site plan indicates that there are 8 wells located within 300 feet of the proposed excavation area.
16. The applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table, unless the planning commission has permitted excavation in the water table according to 21.29.050(A)(5)
17. The application indicates that the seasonal high-water table is 27ft (elevation 66) feet below grade and was determined by Monitor Wells.
18. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
19. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
20. As a condition of dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000, \$10,000 per well.

Excavation in the Water Table

21. The application states that work is anticipated to be completed in the water table.
22. The applicant's intended depth of excavation will be 45ft (elevation 48) feet deep, and go 18 feet into the water table.
23. The application included certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
24. A minimum of three water monitoring tubes or well casings have been installed to determine flow direction, flow rate, and water elevation.
25. For at least four quarters prior to submitting the application, groundwater elevation, flow direction, and flow rate for the subject parcel, were measured in quarterly intervals by a duly licensed and qualified independent civil engineer or professional hydrogeologist.
26. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
27. Operations will not breach an aquifer-confining layer.

Waterbodies

28. The site plan states that there are no wetlands or surface waters within the proposed excavation area.

Fuel Storage

29. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

Haul Route

30. The site plan indicates that the material haul route will be as follows: [HaulRoute].

Roads

31. Operations shall be conducted 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.

Dust Control

32. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

33. Rock crushing equipment may only be operated between 6:00 a.m. and 10:00 p.m.

Reclamation

34. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
35. Ponding may be used as a reclamation method as approved by the planning commission.
36. The applicant has indicated that ponding will be used as a reclamation method.
37. Extraction at this material site is expected to be 50,000 cubic yards of material each year.
38. Material sites that exceed 50,000 cubic yards per year must meet the bonding requirement of KPB 21.29.050(12)(b). The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamations costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

Other Permits

39. 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 floodplain, 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.

Signage

40. 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, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

Permit Conditions

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where the parcel boundaries are within 300 feet of the excavation perimeter. Stakes must be in place and visible as long as the material site is permitted.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement
 - a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
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 operate all equipment which conditions or processes material at least 300 feet from the East, South and West parcel boundaries. The applicant requests a waiver to process material 100 feet from the North property line.
 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 between 100 and 300 horizontal feet of any water source existing prior to the issuance of this permit.
 8. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
 9. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
 10. As a condition of the permit and prior to dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
 16. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
 17. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
 18. 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 floodplain, 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.
 19. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain

the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

20. 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.
21. This Conditional Land Use Permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
22. 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. The request must be accompanied by the applicable permit renewal and recording fees.
23. All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded.
24. The Planning Department is responsible for filing the Planning Commission resolution. The applicant will provide the recording fee for the resolution to the Planning Department.

Staff Recommendation

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be met and recommends that the Planning Commission approve the Conditional Land Use Permit subject to the conditions and findings listed conditions, and adopt the findings of fact subject to the following: 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.

Material Site Standards

1. The proposed activity must protect against lowering of water sources serving other properties. Findings 14-28 and Conditions 6-11 appear to meet this standard.
2. The proposed activity must protect against physical damage to adjacent properties. Findings 6-11, 29, 31 and Conditions 1-3, 12, and 14 appear to meet this standard.
3. The proposed activity must minimize the off-site movement of dust. Findings 12, 32 and Condition 15 appear to meet this standard.
4. The proposed activity must minimize noise disturbance to other properties. Findings 7, 9, 12, 33 and Conditions 2, 5, 16 appear to meet this standard.
5. The proposed activity must minimize visual impacts. Findings 7, 9 and Condition 2 appear to meet this standard.
6. The proposed activity must provide for alternate post-mining land uses. Findings 34-38 and Condition 17 appear to meet this standard.

Attachments

1. Application
2. Maps

3. Staff Report
4. Resolution
5. Public Hearing Notice
6. Notification List

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. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT



«OWNER»

August 21, 2024

«ATTENTION»

«MAILING_ADDRESS»

«MAILING_CITY», «MAILING_STATE» «MAILING_ZIPCODE»

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

Public notice is hereby given that a Conditional Land Use Permit application has been received to develop a material site (gravel pit) on a property located in the Kalifornsky area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within a half-mile radius of the subject property, and are invited to provide comment at the below public hearing.

- Applicant:** SEAN CUDE
- Landowner:** SBC 2012 IRREVOCABLE TRUST
- Parcel Number(s):** 05527001
- Legal Description:** DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13
- Address:** 36498 Virginia Drive
- Project Description:** This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering.
- Public Hearing:**
 - Date and Time:** Monday, September 9, 2024 at 7:30 p.m.
 - Location:** Kenai Peninsula Borough
Betty Glick Assembly Chambers
144 N. Binkley, Soldotna, AK 99669
 - Zoom Meeting ID:** Meeting ID 907 714 2200
 - Zoom Link:** <https://us06web.zoom.us/j/9077142200>
 - Telephonic:** 1-888-788-0099 or 1-877-853-5247

Public Comment: You can provide verbal comment at the hearing (see information above). You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be received by 1:00 pm Friday, September 6, 2024.** Note that persons who participate in the public hearing, either by written or verbal comment, may appeal the Planning Commission’s decision within 15 days of the date of notice of the decision.

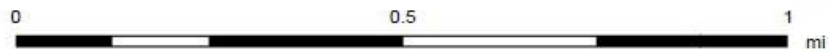
The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.



River Miles

Tax Parcels



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Friday, August 16, 2024

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
Resolution 2024-12
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 T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2015012 DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13, Kenai Recording District, Third Judicial District, State of Alaska.

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 21.29 provides that a Conditional Land Use Permit is required for material extraction which includes: Endorsement I – over 2.5 acres, Endorsement II - processing, and Endorsement III – excavation in the water table; and

WHEREAS, on Wednesday, July 31, 2024 the applicant, SEAN CUDE, submitted to the Borough Planning Department a Conditional Land Use Permit application for a portion of KPB Parcel 05527001, which is located within the rural district; and

WHEREAS, public notice of the application was mailed on or before 8/21/2024 to the 324 landowners or leaseholders within a half-mile of the subject parcel pursuant to KPB 21.25.060; and

WHEREAS, public notice was sent to the postmaster in the Kalifornsky area requesting that it be posted at the local Post Office; and

WHEREAS, public notice of the project was posted as pursuant to KPB 1.08.180(B)(1)(3); and

WHEREAS, a public hearing was held at the Monday, September 9, 2024 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 land use and operations are described and shall be conducted on KPB Parcel Number(s) 05527001, T 05N R 11W SEC 24 SEWARD MERIDIAN KN 2015012 DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13. The total area to be disturbed under this activity is approximately 19.36 acres, of that, this modification request will affect approximately 8.8 acres. The applicant, SEAN CUDE, proposes to add the following endorsement(s): Endorsement II - processing, and Endorsement III – excavation in the water table; and will reclaim the site to a stable condition upon completion of the project.

Section 2. Findings of Fact pursuant to KPB 21.25 and 21.29:

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. KPB 21.29 provides that a Conditional Land Use Permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
4. A public hearing of the Planning Commission was held on Monday, September 9, 2024 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
5. The proposed cumulative disturbed area within the parcel is approximately 19.36 acres.

Parcel Boundaries

6. All boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. The site plan indicates the property boundary within 300 feet of the work area was staked in 2024.

Buffer Zone

7. A buffer zone shall be maintained around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement:
 - a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
8. A 2:1 slope shall be maintained between the buffer zone and excavation 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.
9. Per KPB 21.19.050(A)(c), buffers provided using vegetation and/or a fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission.
10. Buffers shall not cause surface water diversion which negatively impacts adjacent properties or waterbodies.
11. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.

Processing

12. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the East, South and West property lines. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.

13. The applicant has requested a waiver to process materials within 100 feet of the North property line.

Water Source Separation

14. Material extraction is prohibited within 100 horizontal feet of any water source existing prior to the original permit issuance.
15. The site plan indicates that there are 8 wells located within 300 feet of the proposed excavation area.
16. The applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table, unless the planning commission has permitted excavation in the water table according to 21.29.050(A)(5)
17. The application indicates that the seasonal high-water table is 27ft (elevation 66) feet below grade and was determined by Monitor Wells.
18. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
19. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
20. As a condition of dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000, \$10,000 per well.

Excavation in the Water Table

21. The application states that work is anticipated to be completed in the water table.
22. The applicant's intended depth of excavation will be 45ft (elevation 48) feet deep, and go 18 feet into the water table.
23. The application included certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
24. A minimum of three water monitoring tubes or well casings have been installed to determine flow direction, flow rate, and water elevation.
25. For at least four quarters prior to submitting the application, groundwater elevation, flow direction, and flow rate for the subject parcel, were measured in quarterly intervals by a duly licensed and qualified independent civil engineer or professional hydrogeologist.
26. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
27. Operations will not breach an aquifer-confining layer.

Waterbodies

28. The site plan states that there are no wetlands or surface waters within the proposed excavation area.

Fuel Storage

29. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

Haul Route

30. The site plan indicates that the material haul route will be as follows: Haul route will access the site from two locations (Northeast corner of property at Virginia Drive and Southwest corner of property at Canvasback Ave).

Roads

31. Operations shall be conducted 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.

Dust Control

32. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

33. Rock crushing equipment may only be operated between 6:00 a.m. and 10:00 p.m.

Reclamation

34. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
35. Ponding may be used as a reclamation method as approved by the planning commission.
36. The applicant has indicated that ponding will be used as a reclamation method.
37. Extraction at this material site is expected to be Less Than 50,000 cubic yards of material each year.
38. Material sites that exceed 50,000 cubic yards per year must meet the bonding requirement of KPB 21.29.050(12)(b). The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamations costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

Other Permits

39. 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 floodplain, 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.

Signage

40. 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, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

Section 3: Permit Conditions

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where the parcel boundaries are within 300 feet of the excavation perimeter. Stakes must be in place and visible as long as the material site is permitted.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries. The site plan and application propose the following buffers, which shall not overlap an easement
 - a. North: minimum 6 ft. earthen berm
 - b. South: minimum 6 ft. earthen berm, minimum 6 ft. fence
 - c. East: 50 ft. of natural or improved vegetation
 - d. West: minimum 6 ft. earthen berm
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 operate all equipment which conditions or processes material at least 300 feet from the East, South and West parcel boundaries. The applicant requests a waiver to process material 100 feet from the North property line.
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 between 100 and 300 horizontal feet of any water source existing prior to the issuance of this permit.
8. The applicant may not dewater by pumping, ditching or some other form of drainage unless an exemption is granted by the planning commission.
9. The applicant has requested an exemption for dewatering within the permitted area and has provided the required information as stated in 21.29.050(A)(4)(d).
10. As a condition of the permit and prior to dewatering, the contractor shall post a bond for liability for potential accrued damages, in the amount of \$80,000.
11. 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.
12. 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.
13. 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.

14. 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.
15. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
16. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
17. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
18. 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 floodplain, 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.
19. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
20. 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.
21. This Conditional Land Use Permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
22. 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. The request must be accompanied by the applicable permit renewal and recording fees.
23. All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded.
24. The Planning Department is responsible for filing the Planning Commission resolution. The applicant will provide the recording fee for the resolution to the Planning Department.

SECTION 4. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the six standards found in KPB 21.29.040:

CONCLUSIONS OF LAW

1. The proposed activity must protect against lowering of water sources serving other properties. Findings 14-28 and Conditions 6-11 appear to meet this standard.
2. The proposed activity must protect against physical damage to adjacent properties. Findings 6-11, 29, 31 and Conditions 1-3, 12, and 14 appear to meet this standard.
3. The proposed activity must minimize the off-site movement of dust. Findings 12, 32 and Condition 15 appear to meet this standard.
4. The proposed activity must minimize noise disturbance to other properties. Findings 7, 9, 12, 33 and Conditions 2, 5, 16 appear to meet this standard.
5. The proposed activity must minimize visual impacts. Findings 7, 9 and Condition 2 appear to meet this standard.
6. The proposed activity must provide for alternate post-mining land uses. Findings 34-38 and Condition 17 appear to meet this standard.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2024.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

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

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

4. Conditional Land Use Permit Modification; MS2015-005

Applicant: Sean Cude

Request: Modification to PC Resolution 2014-20 to allow excavation into the water table and for temporary localized dewatering.

**Location: 36498 Virginia Drive
Kalifornsky Area**

SBC 2012 IRREVOCABLE TRUST
Ciechanski - Virginia Drive Conditional Land Use Permit
Excavation Dewatering Plan

SBC has proposed to utilize dewatering during the lower limits of excavation within the groundwater table. Excavation dewatering will be utilized on an as-needed basis during material extraction within the groundwater table. This plan is to provide information and parameters for that process. Dewatering parameters are as follows:

- Pump Intake: 6" diameter maximum
- Rate of Pump: 2200 GPM (4.901620 cfs)
- Length of Dewatering: 10 day maximum

Excavation dewatering temporarily depresses shallow groundwater within the immediate area of the dewatering, but the groundwater level will recover to pre-dewatering elevations upon termination of dewatering. If dewatering was removed from the site, the aquifer would experience the well drawdown shown in Table A.

TABLE A. Well Drawdown without Immediate Adjacent Discharge
 (if dewatering was removed from site)

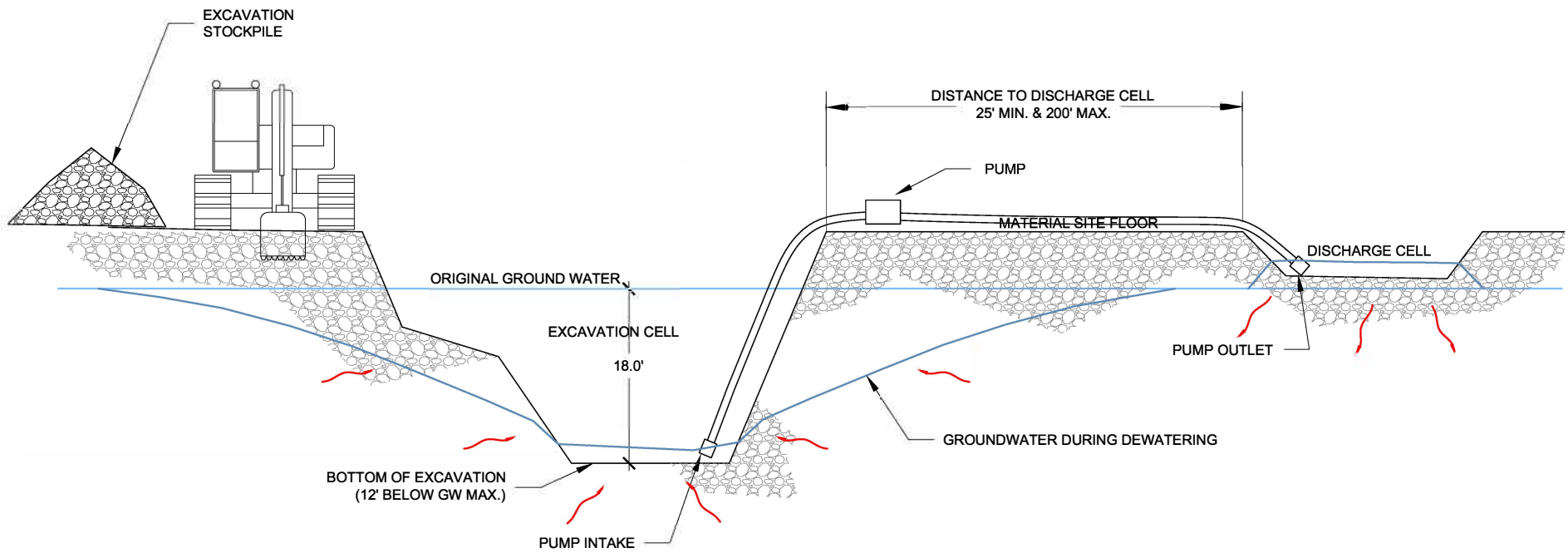
Distance from Dewatering Point	Length of Dewatering		
	1-day	7-day	10-day
300 feet	1.22 ft	1.98 ft	2.12 ft
0.25 mile	0.22 ft	0.84 ft	0.97 ft
0.50 mile	0.02 ft	0.40 ft	0.51 ft
1.0 mile	0.0 ft	0.07 ft	0.12 ft

Dewatering will not be removed from the subject property. Waters from the dewatering process will be discharged within the permit property to re-enter the groundwater table, therefore providing rapid recharge to the aquifer which negates the effects on surrounding groundwater elevations. Therefore, the aquifer would experience the well drawdown shown in Table B.

TABLE B. Well Drawdown with Immediate Adjacent Discharge
 (dewatering is discharged adjacent to removal dewatering location)

Distance from Dewatering Point	Length of Dewatering		
	1-day	7-day	10-day
300 feet	0.0 ft	0.04 ft	0.10 ft
0.25 mile	0.0 ft	0.0 ft	0.0 ft
0.50 mile	0.0 ft	0.0 ft	0.0 ft
1.0 mile	0.0 ft	0.0 ft	0.0 ft

An exhibit of the proposed pumping layout is included on Sheet 1.



MCLANE CONSULTING INC.

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

PROJECT	DEWATERING PLAN EXHIBIT	REVISION: 2
		DATE: 8/16/2024
LOCATION	CIECHANSKI - VIRGINIA DRIVE	DRAWN BY: GMD
		SCALE: NTS
CLIENTS	SBC, LLC SOLDOTNA, ALASKA 99669	PROJECT NO. 204014
		BOOK NO. 19-11
		SHEET 1



144 North Binkley Street, Soldotna, AK 99669 | (P) 907-714-2200 | (F) 907-714-2378 | www.kpb.us

To: Betty Glick: - This is contradictory. She does no go in to the water table to dewater. Describes the whole process out side of recovering more gravel to fill. Exposing the water table

MORSE AARON H MORSE LIVING TRUST

August 21, 2024

154 E REDOUBT AVE

SOLDOTNA, AK99669

opens up for contamination to well water supplies of

KENAI PENINSULA BOROUGH PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

home owners.
Smiley Aaron Morse

Public notice is hereby given that a Conditional Land Use Permit application has been received to develop a material site (gravel pit) on a property located in the Kalifornsky area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within a half-mile radius of the subject property, and are invited to provide comment at the below public hearing.

- Applicant:** SEAN CUDE
- Landowner:** SBC 2012 IRREVOCABLE TRUST
- Parcel Number(s):** 05527001
- Legal Description:** DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13
- Address:** 36498 Virginia Drive
- Project Description:** This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering.
- Public Hearing:**
- Date and Time:** Monday, September 9, 2024 at 7:30 p.m.
- Location:** Kenai Peninsula Borough
Betty Glick Assembly Chambers
144 N. Binkley, Soldotna, AK 99669
- Zoom Meeting ID:** Meeting ID 907 714 2200
- Zoom Link:** <https://us06web.zoom.us/j/9077142200>
- Telephonic:** 1-888-788-0099 or 1-877-853-5247

- Types:
1. Leachate Drainage
 2. Filtration
 3. Centrifugation
 4. Drying Beds
 5. Thermal Drying

Public Comment: You can provide verbal comment at the hearing (see information above). You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be received by 1:00 pm Friday, September 6, 2024.** Note that persons who participate in the public hearing, either by written or verbal comment, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.

From: [Lisa Cannon](#)
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>public hearing 9/9/24 comment
Date: Friday, August 30, 2024 7:41:46 AM
Attachments: [image001.png](#)
[image002.png](#)

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How temporary will this be? Will the water table be significantly impacted? We already have continual well problems in our 4plexes on Damon and Clarence and do not need more problems.

CALLAHAN CARTER LIVING TRUST AMENDED AND
RESTATED
CARTER R CALLAHAN & LISA M CANNON, CO-TT
849 JACKSON ST STE 2C
NAPA, CA94559

August 21, 2024

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

Public notice is hereby given that a Conditional Land Use Permit application has been received to develop a material site (gravel pit) on a property located in the Kalifornsky area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within a half-mile radius of the subject property, and are invited to provide comment at the below public hearing.

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Thank you,
Lisa
Co-Trustee Carter Callahan Living Trust



LISA M. CANNON

President & CEO

849 Jackson Street, Suite 2C

Napa, CA 94559

Phone: (707) 944-0220 x3

Text: (916) 826-6385

E-mail: Lisa@rajadevelopment.com

From: [Colleen Sonnevil](#)
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>Public Comment Conditional Land Use Permit
Date: Thursday, September 5, 2024 10:01:08 PM

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Kenai Peninsula Borough Planning Commission;

We request the Conditional Land Use Permit be denied.

We and all our neighbors within the half-mile radius boundaries of the map provided us two weeks ago are on drinking water and bathing wells. For our safety and peace of mind it is necessary that if application is approved the proposed gravel pit should be required to install monitoring wells and a groundwater monitoring program to identify in advance any potential impacts to surrounding private drinking water wells. Previously private professional testing of well water in the area has been found pure of natural and foreign contamination.

As a good neighbor, it is also reasonable to require gravel pit operator and owner to out source an annual test of wells in the mapped radius. If contamination or lower water level is found; Sean Cude: owner(s) should be required to provide the homeowner/owners with potable drinking water until a successful pure water drilling of a new well on homeowners property is accomplished with Sean Cude covering the cost.

If permit is approved we request the above requirements be put in writing, notarized and filed with the courts.

In conclusion if the gravel pit is approved impacts must require mitigation.

Sincerely,
Colleen and Gary Sonnevil
36646 River Hills Dr
Kenai, Alaska 99611

907-398-9151

September 5, 2024

**TO: Kenai Peninsula Borough
Planning Department**

RE: Proposal by applicant Sean Cude

Parcel: 05527001

Legal Description: DIAMOND WILLOW ESTATES SUB PART 13 TRACT 13

Address: 36498 Virginia Drive

Project Description: This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering.

To Whom It May Concern,

I am writing in opposition to proposal by applicant Sean Cude, Parcel 05527001, regarding for the above project description. This application is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary, localized dewatering. Please see stated reasons below as well as included documentation/map.

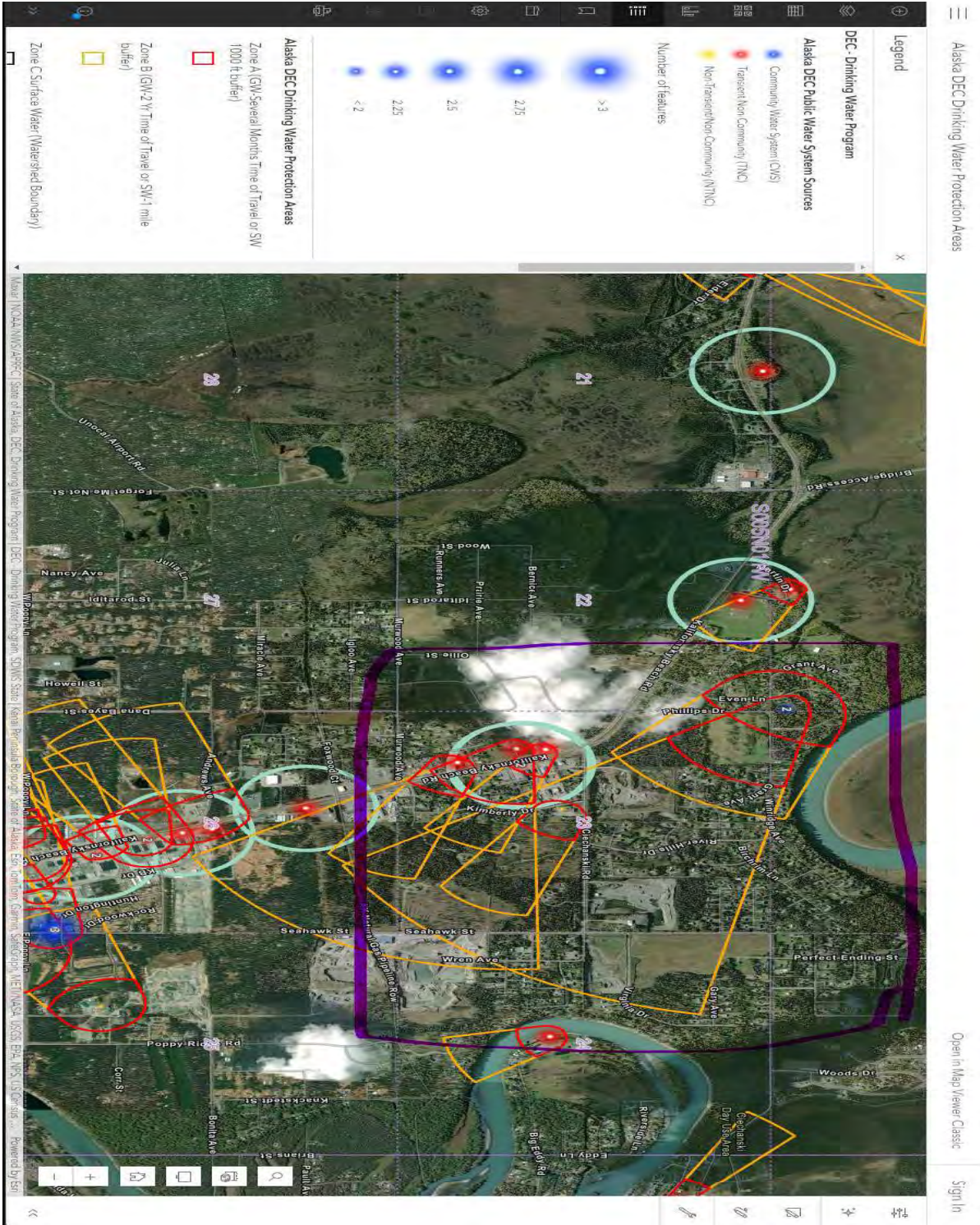
1. The Department of Environmental Services for the State of Alaska has documented drinking water protection areas. The proposed site of excavation into the water table is in a 1-mile buffer zone outlined by the State of Alaska, Department of Environmental Conservation. Please see the attached map to show this area. Also note, there are many surrounding drinking water protection areas as well as buffer zones in the vicinity of the documented address of 36498 Virginia Drive. I have included a map for a visual from the ADEC website, as well as a link to the website for your convenience. Due to this, special consideration should be taken when granting permission to disturb the water table. A quote from the website **“The Drinking Water Protection Areas were created to meet the requirements of the 1996 Safe Drinking Water Act. It is hoped that this data will be used at the local level to initiate and/or prioritize proactive protection strategies for the public water systems in their jurisdiction.”**¹

While the history of gravel pit operations within the Kenai Peninsula Borough have been challenged many times, I sincerely hope that this commission considers the community needs of individual homeowners and not just the special interests of business owners. When will the welfare of the **many** of a community be valued as highly as the few. Please consider the recommendations made by ADEC when deciding to disrupt the water table.

2. Dewatering can affect the up-gradient and down-gradient effects of well within the vicinity of the gravel pit, which can affect well pressure of nearby residential homes and well pressure. The gravel pit owner should have in place a plan exceeding the \$10,000 limit and 8 wells listed to include the surrounding residential wells within at least a half mile to 1 mile radius. Please see attached Environmental Protection Agency article I have included for your review if desired.

- The provided proposal does not address the consideration for testing the water before and after to ensure that contamination has not occurred related to the gravel pit operation if approved, a plan in place for any ramifications for nearby residential areas.

2



I appreciate your time in reviewing my letter. I am a concerned resident of this area, and I have great concern for maintaining safe drinking water for our community. Balance is key, when business interests outweigh community interests and health, I feel it my duty not only as a property owner near this proposal, but as a community member. It is a vital resource for sustaining life and health.

This proposal if approved could grant permission for this gravel pit operation for up to 20 years. The decision you make today can have long-lasting indefinite effects to this community.

Thank you for your consideration.

Julie Bunch

46781 Mooseberry Avenue

Kenai, Alaska 99611

¹State of Alaska, Division of Environmental Health, Drinking Water Program, Alaska DEC Drinking Water Protection Areas,

<https://www.arcgis.com/home/item.html?id=13ed2116e4094f9994775af9a62a1e85> , accessed 9/5/2024

²State of Alaska, Division of Environmental Health, Drinking Water Program, Alaska DEC Drinking Water Protection Areas,

<https://www.arcgis.com/apps/mapviewer/index.html?webmap=13ed2116e4094f9994775af9a62a1e85> , accessed 9/5/2024.

³“Getting Up to Speed” for section C, “Ground Water Contamination” is adapted from US EPA Seminar Publication. Wellhead Protection: A Guide for Small Communities. Chapter 3. EPA/625/R-93/002.

<https://dnr.alaska.gov/mlw/cdn/pdf/factsheets/water-rights-in-alaska.pdf?v=1> , accessed 9/5/2024.

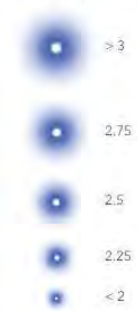
Legend

DEC - Drinking Water Program

Alaska DEC Public Water System Sources

- Community Water System (CWS)
- Transient Non-Community (TNC)
- Non-Transient/Non-Community (NTNC)

Number of features



Alaska DEC Drinking Water Protection Areas

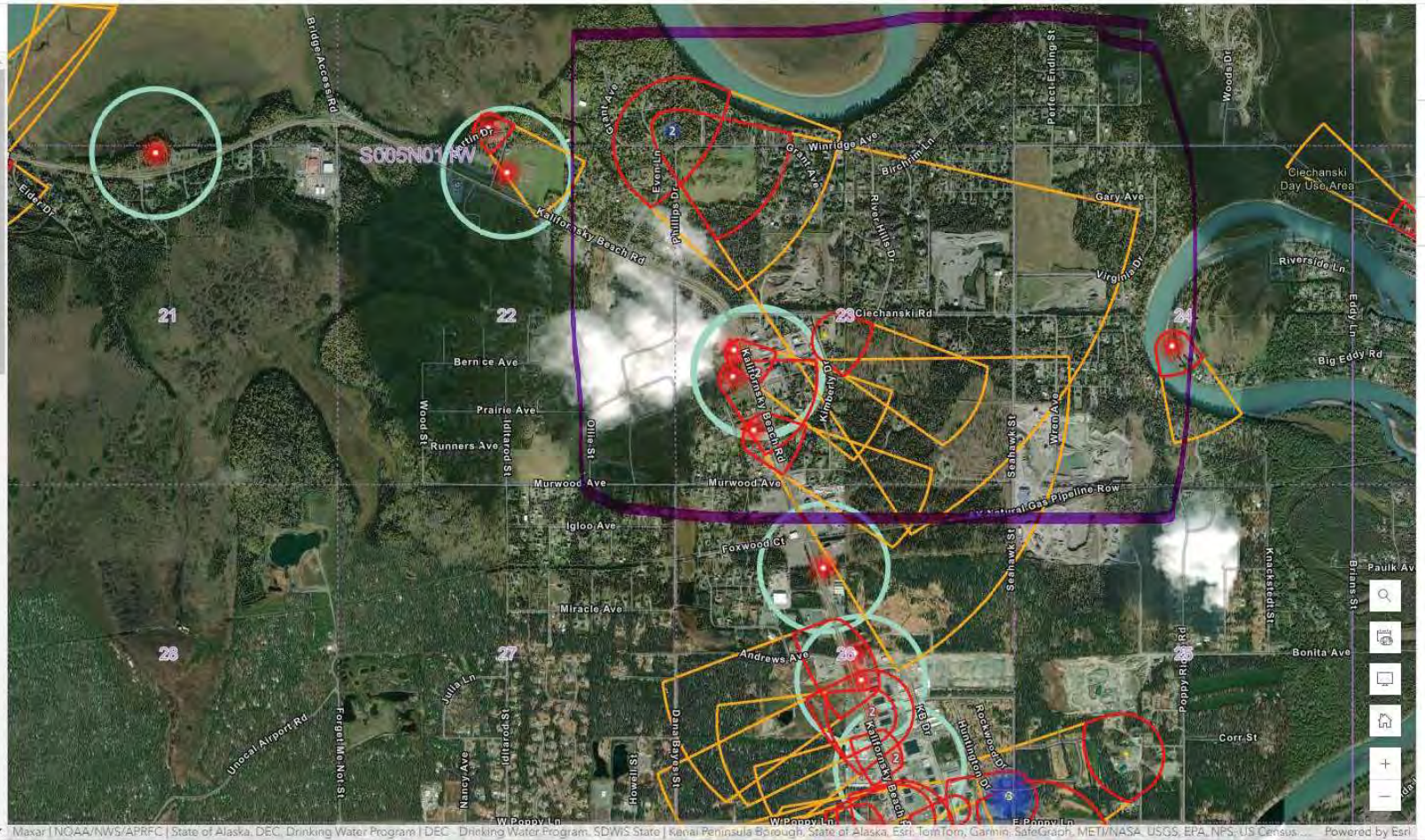
Zone A (GW-Several Months Time of Travel or SW 1000 ft buffer)



Zone B (GW-2 Yr Time of Travel or SW-1 mile buffer)



Zone C Surface Water (Watershed Boundary)



Getting Up to Speed

GROUND WATER CONTAMINATION



Ground water contamination is nearly always the result of human activity. In areas where population density is high and human use of the land is intensive, ground water is especially vulnerable. Virtually any activity whereby chemicals or wastes may be released to the environment, either intentionally or accidentally, has the potential to pollute ground water. When ground water becomes contaminated, it is difficult and expensive to clean up.

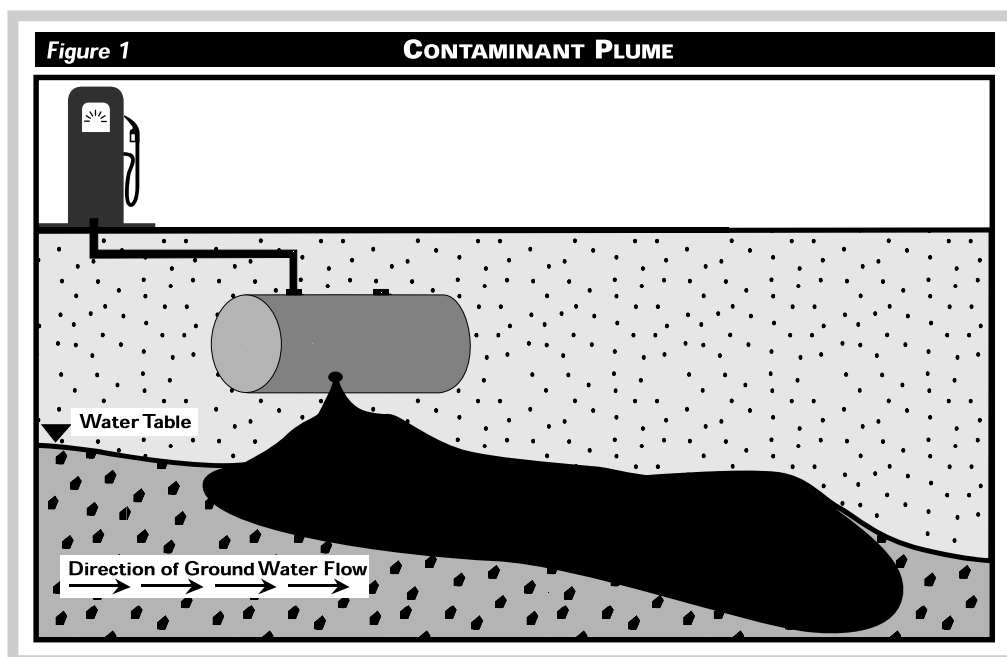
To begin to address pollution prevention or remediation, we must understand how surface waters and ground waters interrelate. Ground water and surface water are interconnected and can be fully understood and intelligently managed only when that fact is acknowledged. If there is a water supply well near a source of contamination, that well runs the risk of becoming contaminated. If there is a nearby river or stream, that water body may also become polluted by the ground water.

HOW DOES GROUND WATER BECOME CONTAMINATED?

Depending on its physical, chemical, and biological properties, a contaminant that has been released into the environment may move within an aquifer in the same manner that ground water moves. (Some contaminants, because of their phys-

ical or chemical properties, do not always follow ground water flow.) It is possible to predict, to some degree, the transport within an aquifer of those substances that move along with ground water flow. For example, both water and certain contaminants flow in the direction of the topography from recharge areas to discharge areas. Soils that are porous and permeable tend to transmit water and certain types of contaminants with relative ease to an aquifer below.

Just as ground water generally moves slowly, so do contaminants in ground water. Because of this slow movement, contaminants tend to remain concentrated in the form of a **plume** (see Figure 1) that flows along the same path as the ground water. The size and speed of the plume depend on the amount and type of contaminant, its solubility and density, and the velocity of the surrounding ground water.



Getting Up to Speed: GROUND WATER CONTAMINATION

Ground water and contaminants can move rapidly through fractures in rocks. Fractured rock presents a unique problem in locating and controlling contaminants because the fractures are generally randomly spaced and do not follow the contours of the land surface or the hydraulic gradient. Contaminants can also move into the ground water system through macropores—root systems, animal burrows, abandoned wells, and other systems of holes and cracks that supply pathways for contaminants.

In areas surrounding pumping wells, the potential for contamination increases because water from the **zone of contribution**, a land area larger than the original recharge area, is drawn into the well and the surrounding aquifer. Some drinking water wells actually draw water from nearby streams, lakes, or rivers. Contaminants present in these surface waters can contribute contamination to the ground water system. Some wells rely on artificial recharge to increase the amount of water infiltrating an aquifer, often using water from storm runoff, irrigation, industrial processes, or treated sewage. In several cases, this practice has resulted in increased concentrations of nitrates, metals, microbes, or synthetic chemicals in the water.

Under certain conditions, pumping can also cause the ground water (and associated contaminants) from another aquifer to enter the one being pumped. This phenomenon is called **interaquifer leakage**. Thus, properly identifying and protecting the areas affected by well pumping is important to maintain ground water quality.

Generally, the greater the distance between a source of contamination and a ground water source, the more likely that natural processes will reduce the impacts of contamination. Processes such as oxidation, biological degradation (which sometimes renders contaminants less toxic), and adsorption (binding of materials to soil particles) may take place in the soil layers of the unsaturated zone and reduce the concentration of a contaminant before it reaches ground water. Even

contaminants that reach ground water directly, without passing through the unsaturated zone, can become less concentrated by dilution (mixing) with the ground water. However, because ground water usually moves slowly, contaminants generally undergo less dilution than when in surface water.

SOURCES OF GROUND WATER CONTAMINATION

Ground water can become contaminated from natural sources or numerous types of human activities. (See Tables 1 and 2 and Figure 1.) Residential, municipal, commercial, industrial, and agricultural activities can all affect ground water quality. Contaminants may reach ground water from activities on the land surface, such as releases or spills from stored industrial wastes; from sources below the land surface but above the water table, such as septic systems or leaking underground petroleum storage systems; from structures beneath the water table, such as wells; or from contaminated recharge water.

■ Natural Sources

Some substances found naturally in rocks or soils, such as iron, manganese, arsenic, chlorides, fluorides, sulfates, or radionuclides, can become dissolved in ground water. Other naturally occurring substances, such as decaying organic matter, can move in ground water as particles. Whether any of these substances appears in ground water depends on local conditions. Some substances may pose a health threat if consumed in excessive quantities; others may produce an undesirable odor, taste, or color. Ground water that contains unacceptable concentrations of these substances is not used for drinking water or other domestic water uses unless it is treated to remove these contaminants.

■ Septic Systems

One of the main causes of ground water contamination in the United States is the effluent (out-flow) from septic tanks, cesspools, and privies.

Getting Up to Speed: GROUND WATER CONTAMINATION

Table 1 TYPICAL SOURCES OF POTENTIAL GROUND WATER CONTAMINATION BY LAND USE CATEGORY

Category	Contaminant Source	
Agriculture	Animal burial areas	Irrigation sites
	Animal feedlots	Manure spreading areas/pits
	Fertilizer storage/use	Pesticide storage/use
Commercial	Airports	Jewelry/metal plating
	Auto repair shops	Laundromats
	Boat yards	Medical institutions
	Construction areas	Paint shops
	Car washes	Photography establishments
	Cemeteries	Railroad tracks and yards
	Dry cleaners	Research laboratories
	Gas stations	Scrap and junkyards
	Golf courses	Storage tanks
	Industrial	Asphalt plants
Chemical manufacture/storage		Pipelines
Electronics manufacture		Septage lagoons and sludge sites
Electroplaters		Storage tanks
Foundries/metal fabricators		Toxic and hazardous spills
Machine/metalworking shops		Wells (operating/abandoned)
Mining and mine drainage		Wood preserving facilities
Residential	Fuel oil	Septic systems, cesspools
	Furniture stripping/refinishing	Sewer lines
	Household hazardous products	Swimming pools (chemical storage)
	Household lawns	
Other	Hazardous waste landfills	Recycling/reduction facilities
	Municipal incinerators	Road deicing operations
	Municipal landfills	Road maintenance depots
	Municipal sewer lines	Storm water drains/basins
	Open burning sites	Transfer stations

Source: U.S. EPA, 1991a.

Approximately one-fourth of all homes in the United States rely on septic systems to dispose of their human wastes. Although each individual system releases a relatively small amount of waste into the ground, the large number and widespread use of these systems makes them a serious contamination source. Septic systems that are improperly sited, designed, constructed, or maintained can contaminate ground water with bacteria, viruses, nitrates, detergents, oils, and chemicals. Along with these contaminants are the commercially available septic system cleaners containing syn-

thetic organic chemicals (such as 1,1,1-trichloroethane or methylene chloride). These cleaners can contaminate water supply wells and interfere with natural decomposition processes in septic systems.

Most, if not all, state and local regulations require specific separation distances between septic systems and drinking water wells. In addition, computer models have been developed to calculate suitable distances and densities.

Getting Up to Speed: GROUND WATER CONTAMINATION

■ Improper Disposal of Hazardous Waste

Hazardous waste should always be disposed of properly, that is to say, by a licensed hazardous waste handler or through municipal hazardous waste collection days. Many chemicals should not be disposed of in household septic systems, including oils (e.g., cooking, motor), lawn and garden chemicals, paints and paint thinners, disinfectants, medicines, photographic chemicals, and swimming pool chemicals. Similarly, many substances used in industrial processes should not be disposed of in drains at the workplace because they could contaminate a drinking water source. Companies should train employees in the proper use and disposal of all chemicals used on site. The many different types and the large quantities of chemicals used at industrial locations make proper disposal of wastes especially important for ground water protection.

■ Releases and Spills from Stored Chemicals and Petroleum Products

Underground and aboveground storage tanks are commonly used to store petroleum products and other chemical substances. For example, many homes have underground heating oil tanks. Many businesses and municipal highway departments also store gasoline, diesel fuel, fuel oil, or chemicals in on-site tanks. Industries use storage tanks to hold chemicals used in industrial processes or to store hazardous wastes for pickup by a licensed hauler. Approximately 4 million underground storage tanks exist in the United States and, over the years, the contents of many of these tanks have leaked and spilled into the environment.

If an underground storage tank develops a leak, which commonly occurs as the tank ages and corrodes, its contents can migrate through the soil and reach the ground water. Tanks that meet federal/state standards for new and upgraded systems are less likely to fail, but they are not foolproof. Abandoned underground tanks pose another problem because their location is often unknown. Aboveground storage tanks can also pose a threat to ground water if a spill or leak occurs and adequate barriers are not in place.

Improper chemical storage, sloppy materials handling, and poor-quality containers can be major threats to ground water. Tanker trucks and train cars pose another chemical storage hazard. Each year, approximately 16,000 chemical spills occur from trucks, trains, and storage tanks, often when materials are being transferred. At the site of an accidental spill, the chemicals are often diluted with water and then washed into the soil, increasing the possibility of ground water contamination.

■ Landfills

Solid waste is disposed of in thousands of municipal and industrial landfills throughout the country. Chemicals that should be disposed of in hazardous waste landfills sometimes end up in municipal landfills. In addition, the disposal of many household wastes is not regulated.

Once in the landfill, chemicals can leach into the ground water by means of precipitation and surface runoff. New landfills are required to have clay or synthetic liners and leachate (liquid from a landfill containing contaminants) collection systems to protect ground water. Most older landfills, however, do not have these safeguards. Older landfills were often sited over aquifers or close to surface waters and in permeable soils with shallow water tables, enhancing the potential for leachate to contaminate ground water. Closed landfills can continue to pose a ground water contamination threat if they are not capped with an impermeable material (such as clay) before closure to prevent the leaching of contaminants by precipitation.

■ Surface Impoundments

Surface impoundments are relatively shallow ponds or lagoons used by industries and municipalities to store, treat, and dispose of liquid wastes. As many as 180,000 surface impoundments exist in the United States. Like landfills, new surface impoundment facilities are required to have liners, but even these liners sometimes leak.

Getting Up to Speed: GROUND WATER CONTAMINATION

Table 2 POTENTIAL HARMFUL COMPONENTS OF COMMON HOUSEHOLD PRODUCTS

Product	Toxic or Hazardous Components
Antifreeze (gasoline or coolants systems)	Methanol, ethylene glycol
Automatic transmission fluid	Petroleum distillates, xylene
Battery acid (electrolyte)	Sulfuric acid
Degreasers for driveways and garages	Petroleum solvents, alcohols, glycol ether
Degreasers for engines and metal	Chlorinated hydrocarbons, toluene, phenols, dichloroperchloroethylene
Engine and radiator flushes	Petroleum solvents, ketones, butanol, glycol ether
Hydraulic fluid (brake fluid)	Hydrocarbons, fluorocarbons
Motor oils and waste oils	Hydrocarbons
Gasoline and jet fuel	Hydrocarbons
Diesel fuel, kerosene, #2 heating oil	Hydrocarbons
Grease, lubes	Hydrocarbons
Rustproofers	Phenols, heavy metals
Car wash detergents	Alkyl benzene sulfonates
Car waxes and polishes	Petroleum distillates, hydrocarbons
Asphalt and roofing tar	Hydrocarbons
Paints, varnishes, stains, dyes	Heavy metals, toluene
Paint and lacquer thinner	Acetone, benzene, toluene, butyl acetate, methyl ketones
Paint and varnish removers, deglossers	Methylene chloride, toluene, acetone, xylene, ethanol, benzene, methanol
Paint brush cleaners	Hydrocarbons, toluene, acetone, methanol, glycol ethers, methyl ethyl ketones
Floor and furniture strippers	Xylene
Metal polishes	Petroleum distillates, isopropanol, petroleum naphtha
Laundry soil and stain removers	Hydrocarbons, benzene, trichloroethylene, 1,1,1-trichloroethane
Other solvents	Acetone, benzene
Rock salt	Sodium concentration
Refrigerants	1,1,2-trichloro-1,2,2-trifluoroethane
Bug and tar removers	Xylene, petroleum distillates
Household cleansers, oven cleaners	Xylenols, glycol ethers, isopropanol
Drain cleaners	1,1,1-trichloroethane
Toilet cleaners	Xylene, sulfonates, chlorinated phenols
Cesspool cleaners	Tetrachloroethylene, dichlorobenzene, methylene chloride
Disinfectants	Cresol, xylenols
Pesticides (all types)	Naphthalene, phosphorus, xylene, chloroform, heavy metals, chlorinated hydrocarbons
Photochemicals	Phenols, sodium sulfite, cyanide, silver halide, potassium bromide
Printing ink	Heavy metals, phenol-formaldehyde
Wood preservatives (creosote)	Pentachlorophenols
Swimming pool chlorine	Sodium hypochlorite
Lye or caustic soda	Sodium hydroxide
Jewelry cleaners	Sodium cyanide

Source: "Natural Resources Facts: Household Hazardous Wastes," Fact Sheet No. 88-3, Department of Natural Science, University of Rhode Island, August 1988.



Getting Up to Speed: GROUND WATER CONTAMINATION



■ Sewers and Other Pipelines

Sewer pipes carrying wastes sometimes leak fluids into the surrounding soil and ground water. Sewage consists of organic matter, inorganic salts, heavy metals, bacteria, viruses, and nitrogen. Other pipelines carrying industrial chemicals and oil brine have also been known to leak, especially when the materials transported through the pipes are corrosive.

■ Pesticide and Fertilizer Use

Millions of tons of fertilizers and pesticides (e.g., herbicides, insecticides, rodenticides, fungicides, avicides) are used annually in the United States for crop production. In addition to farmers, homeowners, businesses (e.g., golf courses), utilities, and municipalities use these chemicals. A number of these pesticides and fertilizers (some highly toxic) have entered and contaminated ground water following normal, registered use. Some pesticides remain in soil and water for many months to many years. Another potential source of ground water contamination is animal wastes that percolate into the ground from farm feedlots. Feedlots should be properly sited and wastes should be removed at regular intervals.

Between 1985 and 1992, EPA's Office of Pesticides and Toxic Substances and Office of Water conducted a National Pesticide Survey to determine the number of drinking water wells nationwide that contain pesticides and nitrates and the concentration of these substances. The survey also analyzed the factors associated with contamination of drinking water wells by pesticides and nitrates. The survey, which included samples from more than 1,300 public community and rural domestic water supply wells, found that approximately 3.6 percent of the wells contained concentrations of nitrates above the federal maximum contaminant level, and that over half of the wells contained nitrates above the survey's minimum reporting limit for nitrate (0.15 mg/L).

The survey also reported that approximately 0.8 percent of the wells tested contained pesticides at

levels higher than federal maximum contaminant levels or health advisory levels. Only 10 percent of the wells classified as rural were actually located on farms. There is a higher incidence of contamination by agricultural chemicals in farm wells used for drinking water.

After further analysis, EPA estimated that for the wells that contain pesticides, a significant percentage probably contain chemical concentrations that exceed the federal health-based limits (e.g., maximum contaminant levels or health advisory levels). Approximately 14.6 percent of the wells tested contained levels of one or more pesticides above the minimum reporting limit set in the survey. The most common pesticides found were atrazine and metabolites (breakdown products) of dimethyl tetrachloroterephthalate (DCPA, commonly known as Dacthal), which is used in many utility easement weed-control programs and for lawn care.

■ Drainage Wells

Drainage wells are used in wet areas to help drain water and transport it to deeper soils. These wells may contain agricultural chemicals and bacteria.

■ Injection Wells/Floor Drains

Injection wells are used to collect storm water runoff, collect spilled liquids, dispose of wastewater, and dispose of industrial, commercial, and utility wastes. These wells are regulated by the U.S. EPA's Underground Injection Control Program. In New England, these wells may not be used to inject hazardous wastes from industrial, commercial, and utility operations. The injection wells used in this region are typically shallow and include sumps and dry wells used to handle storm water.

Floor drains were historically used by businesses to handle spills. Today, if a business operates or handles waste fluids that drain to a septic system, dry well, or floor drain, it is required to submit information regarding its operation to the U.S. EPA or its state environmental protection agency. Disposal wells that pose threats to drinking water supplies are prohibited and must be closed, con-



Getting Up to Speed: GROUND WATER CONTAMINATION



nected to a public sewage system, or connected to a storage tank.

■ Improperly Constructed Wells

Problems associated with improperly constructed wells can result in ground water contamination when contaminated surface or ground water is introduced into the well.

■ Improperly Abandoned Wells

These wells can act as a conduit through which contaminants can reach an aquifer if the well casing has been removed, as is often done, or if the casing is corroded. In addition, some people use abandoned wells to dispose of wastes such as used motor oil. These wells may reach into an aquifer that serves drinking supply wells. Abandoned exploratory wells (e.g., for gas, oil, or coal) or test hole wells are usually uncovered and are also a potential conduit for contaminants.

■ Active Drinking Water Supply Wells

Poorly constructed wells can result in ground water contamination. Construction problems, such as faulty casings, inadequate covers, or lack of concrete pads, allow outside water and any accompanying contaminants to flow into the well. Sources of such contaminants can be surface runoff or wastes from farm animals or septic systems. Contaminated fill packed around a well can also degrade well water quality. Well construction problems are more likely to occur in older wells that were in place prior to the establishment of well construction standards and in domestic and livestock wells.

■ Poorly Constructed Irrigation Wells

These wells can allow contaminants to enter ground water. Often pesticides and fertilizers are applied in the immediate vicinity of wells on agricultural land.

■ Mining Activities

Active and abandoned mines can contribute to ground water contamination. Precipitation can leach soluble minerals from the mine wastes

(known as spoils or tailings) into the ground water below. These wastes often contain metals, acid, minerals, and sulfides. Abandoned mines are often used as wells and waste pits, sometimes simultaneously. In addition, mines are sometimes pumped to keep them dry; the pumping can cause an upward migration of contaminated ground water, which may be intercepted by a well.

EFFECTS OF GROUND WATER CONTAMINATION

Contamination of ground water can result in poor drinking water quality, loss of water supply, degraded surface water systems, high cleanup costs, high costs for alternative water supplies, and/or potential health problems.

The consequences of contaminated ground water or degraded surface water are often serious. For example, estuaries that have been impacted by high nitrogen from ground water sources have lost critical shellfish habitats. In terms of water supply, in some instances, ground water contamination is so severe that the water supply must be abandoned as a source of drinking water. In other cases, the ground water can be cleaned up and used again, if the contamination is not too severe and if the municipality is willing to spend a good deal of money. Follow-up water quality monitoring is often required for many years.

Because ground water generally moves slowly, contamination often remains undetected for long periods of time. This makes cleanup of a contaminated water supply difficult, if not impossible. If a cleanup is undertaken, it can cost thousands to millions of dollars.

Once the contaminant source has been controlled or removed, the contaminated ground water can be treated in one of several ways:

- Containing the contaminant to prevent migration.
- Pumping the water, treating it, and returning it to the aquifer.

Getting Up to Speed: GROUND WATER CONTAMINATION

- Leaving the ground water in place and treating either the water or the contaminant.
- Allowing the contaminant to attenuate (reduce) naturally (with monitoring), following the implementation of an appropriate source control.

Selection of the appropriate remedial technology is based on site-specific factors and often takes into account cleanup goals based on potential risk that are protective of human health and the environment. The technology selected is one that will achieve those cleanup goals. Different technologies are effective for different types of contaminants, and several technologies are often combined to achieve effective treatment. The effectiveness of treatment depends in part on local hydrogeological conditions, which must be evaluated prior to selecting a treatment option.

Given the difficulty and high costs of cleaning up a contaminated aquifer, some communities choose to abandon existing wells and use other water sources, if available. Using alternative supplies is probably more expensive than obtaining drinking water from the original source. A temporary and expensive solution is to purchase bottled water, but it is not a realistic long-term solution for a community's drinking water supply problem. A community might decide to install new wells in a different area of the aquifer. In this case, appropriate siting and monitoring of the new wells are critical to ensure that contaminants do not move into the new water supplies.

Potential Health Problems

A number of microorganisms and thousands of synthetic chemicals have the potential to contaminate ground water. Drinking water containing bacteria and viruses can result in illnesses such as hepatitis, cholera, or giardiasis. Methemoglobinemia or "blue baby syndrome," an illness affecting infants, can be caused by drinking water that is high in nitrates. Benzene, a component of

gasoline, is a known human carcinogen. The serious health effects of lead are well known—learning disabilities in children; nerve, kidney, and liver problems; and pregnancy risks. Concentrations in drinking water of these and other substances are regulated by federal and state laws. Hundreds of other chemicals, however, are not yet regulated, and many of their health effects are unknown or not well understood. Preventing contaminants from reaching the ground water is the best way to reduce the health risks associated with poor drinking water quality.

REGULATIONS TO PROTECT GROUND WATER

Several federal laws help protect ground water quality. The **Safe Drinking Water Act (SDWA)** established three drinking water source protection programs: the Wellhead Protection Program, Sole Source Aquifer Program, and the Source Water Assessment Program. It also called for regulation of the use of underground injection wells for waste disposal and provided EPA and the states with the authority to ensure that drinking water supplied by public water systems meets minimum health standards. The **Clean Water Act** regulates ground water that is shown to have a connection with surface water. It sets standards for allowable pollutant discharges to surface water. The **Resource Conservation and Recovery Act (RCRA)** regulates treatment, storage, and disposal of hazardous and nonhazardous wastes. The **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund)** authorizes the government to clean up contamination or sources of potential contamination from hazardous waste sites or chemical spills, including those that threaten drinking water supplies. CERCLA includes a "community right-to-know" provision. The **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)** regulates pesticide use. The **Toxic Substances Control Act (TSCA)** regulates manufactured chemicals.



Getting Up to Speed: GROUND WATER CONTAMINATION

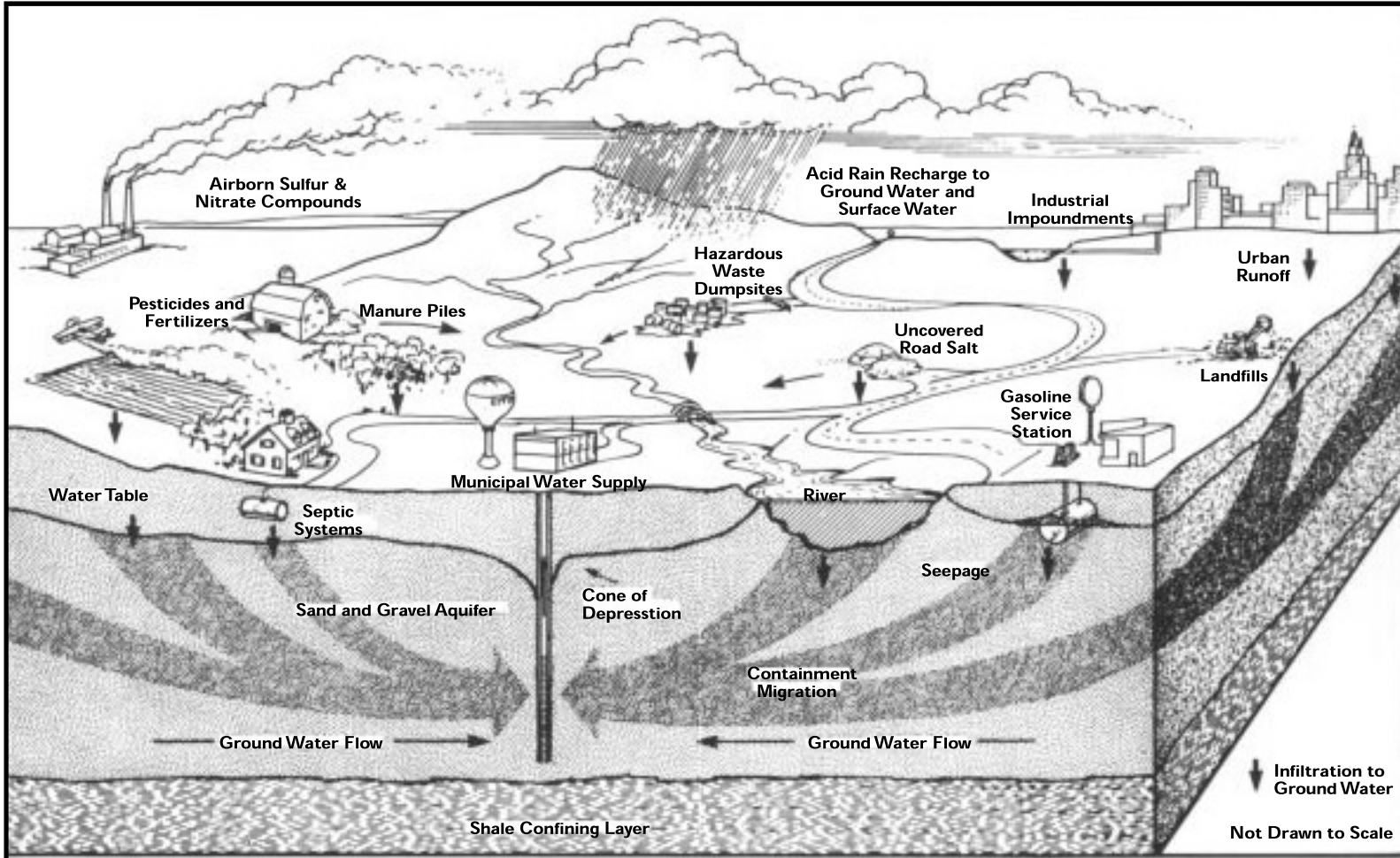


KEY TERMS

- Clean Water Act
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Interaquifer Leakage
- Plume
- Resource Conservation and Recovery Act (RCRA)
- Safe Drinking Water Act
- Toxic Substances Control Act (TSCA)
- Zone of Contribution

Figure 2

SOME POTENTIAL SOURCES OF GROUND WATER CONTAMINATION



Source: Paly, Melissa and Lee Steppacher. *The Power to Protect: Three Stories about Ground Water*. U.S.E.P.A. Massachusetts Audubon Society and NEIWPCC.

Ryan Raidame, KPB Planner, is submitting a comment on behalf of Travis Penrod. Travis has submitted evidence, attached, that an existing well was missed on the site plan provided by McLane Consulting Ince. The well is located on KPB PID: 055-580-18, legally described as T 5N R 11W SEC 24 SEWARD MERIDIAN KN 0840234 RAVENWOOD SUB NO 4 LOT 10 BLK 5.

PENROD TRAVIS & CRYSTAL
36860 VIRGINIA DR.
Kenai, Alaska 99661

055-580008 | 9

Well Drilling Log --- Kraxberger Drilling Inc. ---- (907) 262 - 4720

48230 Gas Well Road
Soldotna, Alaska 99669

Owner:	LIUSKA, BRUCE/DARLENE	Road / Area:	GADWELL	Well log #	5503
Legal description	LOT 10 BLK 5				
	RAVENWOOD # 4	Builder:		Latitude:	N 60 30.555
City:	SOLDOTNA			Longitude:	W 151 08.430

Depth:	38	Date completed	1/16/2015	Driller	RRK
Yield (gpm)	8	Static level:	32	Casing length:	40
Well completion:	OPEN END			Diameter(in)	6
				Rig type	AR

0-2 TOPSOIL & CLAY

2-5 SAND

5-34 SAND & GRAVEL

34-36 WET SAND & GRAVEL

36-38 WET CEMENTED SAND & GRAVEL

Well Drilling Log ---- Kraxberger Drilling Inc. ----- (907) 262-4720

35055 Gas Well Road

Soldotna, AK 99669

CLIENTNAME: LIUSKA,BRUCE/DARLENE

LOGID: 5503

LEGAL1: LOT 10 BLK 5

PUMPINFO:

LEGAL2: RAVENWOOD # 4

PARCEL#:

DIAMETER: 6

ROADAREA: GADWELL

RIGTYPE: AR

CITY: SOLDOTNA

CASINGTYPE:

GROUT:

BUILDERNAME:

WELLCOMPLETION: OPEN END

DEPTH: 38

DATE: 1/16/2015

DRILLER: RRK

IRON PPM:

YIELDGPM: 8

SCREEN:

STATICLEVEL: 32

CLASS:

CASINGLENGTH: 40

LATITUDE:

CASINGSTICKUP: 2

LONGITUDE: 0

DRILLING REPORT:

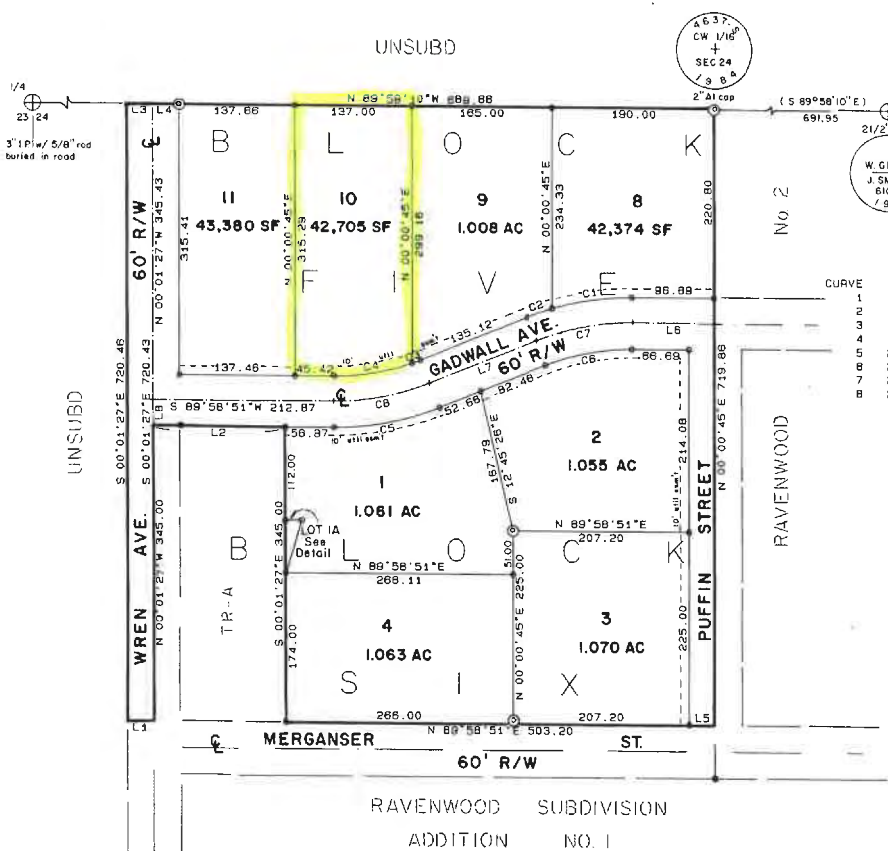
0-2 TOPSOI & CLAY

2-5 SAND

5-34 SAND & GRAVEL

34-36 WET SAND & GRAVEL

36-38 WET CEMENTED SAND & GRAVEL



LINE DATA

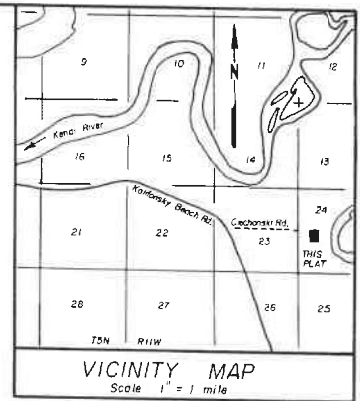
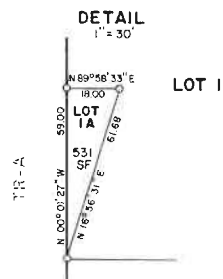
LINE	BEARING	DISTANCE
1	N 89°58'51"E	30.00
2	N 89°58'51"E	158.00
3	S 89°58'10"E	30.00
4	S 89°58'10"E	30.00
5	S 89°58'51"W	30.00
6	N 89°58'15"W	86.68
7	S 89°00'45"W	135.12
8	N 00°01'28"W	30.00

CURVE DATA

RADIUS	ARC	TANGENT	CHORD	CHORD BRG
330.00	94.80	47.83	94.28	S 81°47'59"W
330.00	32.11	16.07	32.09	S 70°47'59"W
270.00	10.08	5.04	10.08	S 89°04'54"W
270.00	93.45	47.19	92.98	S 80°03'57"W
330.00	126.53	64.05	125.75	N 78°59'48"E
270.00	103.67	52.48	103.04	N 79°00'45"E
300.00	115.19	58.31	114.49	S 79°00'45"W
300.00	115.03	58.23	114.32	S 78°59'48"W

CURVE

CURVE	DELTA
1	16°25'32"
2	5°34'28"
3	2°08'19"
4	19°49'47"
5	21°58'08"
6	22°00'00"
7	23°00'00"
8	21°58'08"



LEGEND AND NOTES

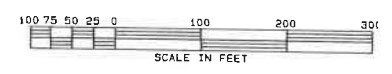
- ⊕ Found official survey monument
- Found 1/2" steel rebar
- ⊙ Set 2" aluminum cap on 5/8" x 30" steel rebar
- Set 1/2" x 24" steel rebar

Basis of Bearing is the record datum of S 89°58'10"E for the north boundary of Ravenwood Subdivision Addition No. 2, KRD 81-40

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

Building set back—A building set back of 20 ft is required from all street rights of ways unless a higher standard is approved by resolution of the appropriate planning commission.

Lot 1A will be conveyed to the owners of Tract A Ravenwood Subdivision Addition No. Two and will not be conveyed separately thereafter.



STATE OF ALASKA
NOTARY PUBLIC
M. SCOTT McLANE
My Commission Expires 12/29/87

84-234
RECORDED
Kenai
FILED 10
8/30 1984
2:29 P.M.
M. McLane, Registrar

CERTIFICATE OF APPROVAL BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with
16AAC70.044 and is approved subject to any noted restrictions.
SIGNATURE: [Signature] TITLE: EPO DATE: 8-28-84

NOTARY'S ACKNOWLEDGEMENT
FOR: John S. and Betty Smith
Subscribed and sworn before me this
20th day of July, 1984.
My commission expires Nov 7, 1987.
M. Scott McLane
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

[Signature] John S. Smith
[Signature] Betty Smith AIF [Signature]
Betty Smith

PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of MAY 7, 1984.

Kenai Peninsula Borough
By: [Signature]
Authorized Official

RAVENWOOD SUBDIVISION NO. 4
J.S. and Betty Smith owners
Box 213 Soldotna, Alaska 99669
LOCATION
10.163 AC M/L SITUATED IN THE NW1/4 SW1/4 SEC. 24 T5N, R11W S.M., AK. AND THE KENAI PENINSULA BOROUGH.
Prepared by: McLane and Associates, Inc. Soldotna, Alaska
DATE: 4/16-21/1984 SCALE: 1" = 100' BK. NO.: 84-16

KW 84-234

September 6, 2024

To the Kenai Peninsula Borough Planning Commission.

Regarding the application to modify PC2014-20 to allow excavation in the water table and for temporary, localized dewatering.

I have lived on River Hills Drive approximately a third of a mile west of this location since 1993. I own two parcels including my home and an undeveloped adjacent parcel. I am opposed to this modification to allow operations in the water table. This area has increased in population significantly during the time I have lived here and continues to grow as the area is in close proximity to services and the communities of both Kenai and Soldotna. Gravel operations are deleterious to the quality of life in residential areas including noise, potential for fuel spills and increased traffic not to mention impacts on property values.

In recent years residents in this growing community have taken steps to protect their neighborhoods and property values with local option zoning, however, they are powerless to protect themselves from outside their immediate boundaries and rely on the Planning Commission to do so.

Operation in the water table not only has the potential to impact quantity of drinking water but pollution from fuel spills has the potential to contaminate that water. While water wells to assess the water table have been put in place on the property no mention has been made of monitoring for a potential pollution plume nor to maintain this monitoring beyond the life of the project. Any permitted project should include not only such monitoring but a financial bond that would mitigate any damage caused to not only the handful of wells in close proximity but property owners in the entire area. The \$80,000 bond suggested is far short of the millions of dollars of potential impacts to nearby residents and does not address property values nor clean-up in the case of potential spills.

Ponding and lake front property is often used as an excuse to leave deep steep sided borrow pits instead of reclamation from mining. These pits do not provide the natural vegetation and associated wildlife of natural lakes. Such pits are a hazard to children and wildlife who enter such water with steep drop offs (I lived near such pits as a child and remember the hazards). I am opposed to this proposed end plan.

The application refers to limiting crushing of materials during the middle of the night yet allows for excavation around the clock. From this same location a number of years ago operations continued into early morning hours (not from crushing but from heavy equipment use). This noise impacted my location approximately a third of a mile away. Other long term residents can attest to this disturbance that made sleeping near impossible. They can also attest to working with the operator of a new gravel pit in our area over 20 years ago who agreed to limiting hours of operation to protect the neighborhood. There should be no extraction or heavy equipment operations prior to 07:00 AM nor after 07:00 PM in a residential neighborhood. No operations on Sundays were even agreed to by this operator and written into the permit.

Last, I would like to address the short notice given to residents to respond to this application. Less than three weeks from date of notification (approximately 2 weeks from date of letter being received to written comment closure) is inadequate for residents to assess and comment on the many potential issues this application presents.

Sincerely,



David Athons

36655 River Hills Drive, Kenai AK



David Donald <ddonald4488@gmail.com>

modification to PC2014-20 36498 Virginia Street,Sean Code...Attention Betty Click

1 message

David Donald <ddonald4488@gmail.com>

Thu, Sep 5, 2024 at 5:48 PM

To: rraidmae@kbp.us

I live at 47425 Augusta National Road therefore live within half a mile radius of the above mentioned gravel pit.
I have a well and have owned this property since 1987.

I am against anyone digging in the ground water.

If this is passed there should be safe guards put in place and a montering system put in place to protect all wells in the area.

IN the event of a disaster how much insurance will the operator be required to have? Will the borough have any responsibility in relief for the homeowners?

David N Donald
9-5-24

From: mgrtotravel@aol.com
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>Notice of Public Hearing, dated August 21, 2024. Meeting ID 907 714 2200
Date: Thursday, September 5, 2024 10:29:48 PM
Attachments: [Borough's notice of hearing - gravel pit.pdf](#)

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

(Sent

9/5/24).

August 27, 2024.

Mr. Ryan Raidmae
(Via Email Correspondence).
Kenai Peninsula Borough,
Planning Department

Subject: Notice of Public Hearing; Monday Sept 9, 2024. Re: SBC 2012 Parcel Number 05527001.
Modification of operation to PC2014-20.

Dear Mr. Raidmae;

I am in receipt of notice dated August 21, 2024 for hearing scheduled September 9, 2024.

As an affected landowner, the sooner the application is posted (and possibly along with C21.29) so that one might learn more as well as make informed decision on the subjects at hand, namely:

1. Excavation in the water table and temporary localized dewatering.
2. Current similar operation(s) in this region, with inspection or incident reports (if any).
3. Safety protocols, including discharge of waste while **maintaining integrity from ground water contamination.**
4. Would future wells now have to be deeper out of necessity? At what cost to landowner and future homeowners?
5. Lack of financial responsibility. Who really owns this particular operation in the event of any fall outs?
6. What monitoring system would suffice, and at whose expense?
7. What amount of bond would be sufficient toward indemnifying and enabling the Borough in the event of a fall out? While one may not readily have available the statutes and regulations differentiating State mining and dredging on private land,

it stands to reason that **unreasonable and unknown risk** (especially where there were apparent concerns in the past) calls

for bonding. How much bonding would have to be commensurate with the exposure as in this case. A **\$50mil bond** might be in order or enough to provide a water system (or systems) to the affected community (or communities) in the event of a fall out.

8. Application, (Mandatory) Procedure and Requirements for consideration of applicant entity:

The application is forth coming, hence making it difficult to comment or make an informed decision.

until then.

9. Meeting set back requirements, or maintaining a justifiable buffer does not appear evidenced or feasible, given the apparent width of the pit. It might be helpful to the operator as well as the public for this to be clarified.

10. Basis for consideration of application as related to the **wells in operation**, and the mandated distance.

a) It is important to call out that the pit is embedded in a residential zoned district,

b) Approved new subdivisions (Kenai Wellness and Sunville Acres Addition) predate this application by the gravel pit.

c) Creating a lot (especially a residential one) is not exclusive of the creation of a well. A residential lot needs its well. Hence these wells (as many as ten) are visibly in breach by the proposed gravel pit.

These lots have all the apparatus of on-going development such as gas and electric (applied for, and in progress before the application in question). I have payment receipts.

Consideration should be given to above fact. Further, the subdivisions bordering Virginia Drive have been openly advertised in the media and person to person under the representation of two real estate agencies - Real Brokers of Alaska and Keller Williams, AK.

To supplement these concerted efforts, giant banners have stood in place identifying the landmark of **residential development;**

"Ciechanski Residences". This action predates the application by the gravel pit operation. The lots were approved for residential dwelling, meaning water wells in tow. Consequently the lots in such situation must be counted or regarded as wells "in existence".

In conclusion, objectivity and fair play would enable and compel us to reevaluate our discounting of active (and in-progress) lots and development sites. We owe this duty toward supporting the very community that we strive to strengthen and promote in our highly celebrated and published "Strategic Development Goals".

This submission is not relegating gravel pits or superseding development sites (especially active and in-progress ones).

We need gravel to build the houses we live in. This may sound like a case of the

"Chicken and the egg", but it is hardly so!

We should consider sparing the Chicken in this case! THE LOTS SUPERSEED THE NEW PROCEDURE BEING ADVOCATED. BY THE GRAVEL PIT.

In conclusion, it is important to note that this comment is not an act of "jumping on a bandwagon of complainers".

We all have a lot at stake. In this scenario Consolidated Development has the most to lose in any event of a failed integrity

in or of operations. Hence; where and what are the safety and safeguards? Clarifying this might help prevent any unjustifiable

negative perception by homeowners or anxiety as may be related to this important subject at hand.

It is important to me! Thank you for your consideration and the opportunity for an input.

Respectfully,

Ray Oyemi

Consolidated Development & Mgmt., LLC.

Hearing no objection or further discussion, the motion was carried by the following vote:

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
---------	---

FINDINGS MOTION: Commissioner Epperheimer moved, seconded by Commission Fikes to attach the following finding to the amendment: The voluntary condition will meditate the visual and noise issues for the neighboring properties.

FINDINGS MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
---------	---

Hearing no objection or further discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
---------	---

Chair Brantley call for a 10 minute break at 9:24 PM, meeting resumed at 9:35 PM.

**ITEM #4 – CONDITIONAL USE PERMIT MODIFICATION
PC RESOLUTION 2024-12**

PC Resolution	2024-12
Applicant	Sean Cude
KPB Parcel Number	05527001
Physical Address	36498 Virginia Drive
Location	Kalifornsky Area

Staff report given by Planner Ryan Raidmae. Mr. Raidmae noted that the applicant has requested that action on this item be postponed. Staff supports the applicant’s request.

River Center Manager Samantha Lopez also noted that due to a mistake by staff, the dewatering plan did not make it into the meeting packet. Due to this error staff would also request that action on this item be postponed.

Chair Brantley opened the item for public comment.

Gina Debardelaben, Engineer – McLane’s Consulting; 38240 Kenai Spur Hwy., Kenai; Ms. Debardelaben is the engineer on this project and noted that there was a well missing on the site plan which needs to be corrected. Also, the applicant Sean Cude was out of town and would not be able to attend the meeting. She requested that this be postpone so that the site plan correction could be made and that Mr. Cude could attend the meeting.

The following individuals spoke in opposition to granting the permit modification:

1. Scott Bloom; 36454 Pelican Road, Kenai
2. Aaron Morse; 366 30 Virginia Dr., Kenai
3. William Mabrey; 47356 Birchrim Lane, Kenai
4. Jeannine Morse; 36630 Virginia Dr., Kenai
5. Raymond Mabrey; 47356 Birchrim Lane, Kenai
6. Jacob Newton; 46738 Gary Ave., Kenai
7. Jeff Webb; 36750 Virginia Dr., Kenai
8. Daniel & Theresa Franklin; 46731 Gary Ave., Kenai
9. Greg Porkryfki; 46715 Gary Ave., Kenai
10. Travis & Crystal Penrod; 36860 Virginia Dr., Kenai
11. Robert Raymond
12. Chris Wehr; 36680 Virginia Dr., Kenai
13. Ray Oyemi; 200 W. 34th Ave. #367, Anchorage

- 14. Dennis Gease; 36710 Virginia Dr., Kenai
- 15. Kurt Brinkman; 36738 Virginia Dr., Kenai
- 16. Antonio
- 17. Roger Koppes; 46710 Gary Ave., Kenai
- 18. Julie Bunch; 46781 Mooseberry Ave., Kenai
- 19. Jamie Miller; 47405 Augusta National Rd., Kenai

General Concerns Expressed:

- Landowners in the area would like more time to review the materials – one week was not enough time. The area residents did not have time to commission any studies of their own.
- Packet materials were incomplete as there was no dewatering plan.
- Questions were raised about some landowners in the area not receiving public notice
- This gravel pit has a history of being use as a dumping site. If it is dug up again there are concerns that the water table could be contaminated.
- This material site was in the process of being reclaimed – now they want to dig it up again.
- The bond needs to be higher - \$8000 is not enough to replace a well.
- The plan states that they want to use Virginia Drive as ingress/egress – this creates safety concerns as this is the only way in/out for the residents back in this area – there are no other outlets. There were also concerns about road damage from the heavy equipment.
- Residents in the area already have to deal with noise issues from the Davis Block material site, they are very concerned that this proposed material site will make the noise issues much worse.
- There are safety issues related to the site being unsecured. Kids have been known to ride there 4-wheelers and snowmachines in the pit. They could be injured by debris from the old dump site sticking out or the steep edges around the site.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Fikes moved, seconded by Commissioner Whitney to adopt Planning Commission Resolution 2024-12 granting a conditional land use permit to operate a sand, gravel or material site for a parcel described as Tract 13, Diamond Willow Estates Subdivision Part 13, KN 2015-012, Kenai Recording District. *(Motion did not go to a vote)*

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Venuti to postpone to the November 18, 2024 Planning Commission meeting.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 5	Brantley, Epperheimer, Slaughter, Whitney, Venuti,
No – 1	Fikes

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Brantley reported that the plat committee reviewed and granted preliminary approval to 6 plats.

AGENDA ITEM G. OTHER

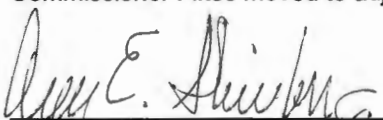
- 1. Plat Committee member for the remainder of 2024
 - Paul Whitney

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda. There was no one who wished to comment.

AGENDA ITEM K. ADJOURNMENT

Commissioner Fikes moved to adjourn the meeting at 11:20 P.M.



Ann E. Shirnberg
Administrative Assistant