

Warner, Avery

From: Blankenship, Johni
Sent: Tuesday, October 25, 2022 9:10 PM
To: Warner, Avery
Subject: FW: New Public Comment to Assembly Members

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Tuesday, October 25, 2022 4:32 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>; Mayor's Department <MayorDepartmental@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Buck Allen Jones

Your Email: eastrdsv@hotmail.com

Subject: Gravel Pit Ordinance

Message:

Increasing regulation on material source sites drives up the cost of gravel, asphalt, and concrete. This drives up the cost of all new development and infrastructure maintenance, public and private. As older pits are exhausted, new ones need to take their place or gravel must be trucked from farther and farther away. This is the primary reason borough CIP's are running over budget in the Homer area. Gravel is currently being trucked from Stariski. All new regulation comes with an increased cost to be paid by the customer.

Warner, Avery

From: Blankenship, Johni
Sent: Tuesday, October 25, 2022 9:10 PM
To: Warner, Avery
Subject: FW: <EXTERNAL-SENDER>Material site public hearings

From: kristine shine <kboenisch@hotmail.com>
Sent: Tuesday, October 25, 2022 5:30 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Material site public hearings

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Hello,

You sent a letter in the mail to me regarding being a landowner within 2640 feet of a Permitted material site. I won't be attending the meeting but am wondering is this in reference to something across the river from me or the sand site near me on Lou Morgan? If it's in regards to the sand site which seems purposely hidden within our neighborhood, I'd like to say those heavy trucks traveling down Harbin and Panoramic View have done a huge amount of damage to those dirt roads. I'm sure car repairs are necessities for those of us who have to travel those roads to get to the Sterling Hwy. These outfits doing this digging of natural resources should have to use the paved roads. And if found to be taking side dirt roads should have to pay some fine to contribute to the resurfacing of the dirt roads. It was a rainy Fall. Harbin and Panoramic View were hellacious to travel on. And the road only got resurfaced with dirt and rock a couple times.

Lastly, what is this digging doing to our aquifer? How far down are you allowing these outfits to dig? I'll email back to see what these answers are unless you are sending letters out to us regarding the summary of these public hearings.

Thank you for your attention to these matters.

Sincerely,
Kristine Shine
37520 Polo Alto Ct. (Morgan's Landing State Park)
Sterling, AK

Warner, Avery

From: Blankenship, Johni
Sent: Tuesday, October 25, 2022 3:50 PM
To: Warner, Avery
Subject: FW: <EXTERNAL-SENDER>Comments on KPB Ordinance 2022-36 regarding Material Site Permits, Applications, Conditions and Procedures

From: Nancy Pease <nancypease2@gmail.com>
Sent: Tuesday, October 25, 2022 3:47 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Cc: Thomas Pease <thomaspease@alaskan.net>; David Pease <peased907@gmail.com>
Subject: <EXTERNAL-SENDER>Comments on KPB Ordinance 2022-36 regarding Material Site Permits, Applications, Conditions and Procedures

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.

TO: Borough Assembly and Staff Planners

Re: Assembly Ordinance 2022-36 Amending KPB Chapter 21.25 and KPB Chapter 21.29 regarding Conditional Land Use Permits and Material Site Permits

My family owns property in Seldovia near Kenai Peninsula Borough (KPB) property that has materials resources. We generally support the efforts to develop a permitting system for materials sites in order to protect surrounding property values and land uses, as well as air and water quality.

Regarding the specifics of proposed KPB Ordinance 2022-36:

1. Amend the Standards Section of 21.29.040.A to expressly acknowledge adjoining property values and existing uses:

A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise and other impacts of earth materials extraction sites through setbacks, buffer zones, and street-level visual screening **adequate to maintain adjoining property values and existing land uses**. Prior to granting a counter permit or conditional land use permit under this chapter, the planning director or planning commission, as applicable, must make the following findings: ...

This language is necessary to consider the measurable effect of any protection measures. Protection measures should not be mere tokens.

2. Amend the Buffer Zone section, 21.29.050.A.1 to ensure an effective buffer zone:

1. Buffer Zone.

A buffer area of ~~32-~~60 feet must be established between the area of excavation and the parcel boundaries, except the minimum shall be 100 feet adjoining residential land uses. The buffer area ~~may~~ **shall** include one or more of the following: undisturbed natural vegetation that provides sufficient noise and street-level visual screening; an eight-foot earthen berm with a 2:1 slope; or a minimum eight-foot fence;

This language is necessary to ensure that the buffer minimizes noise and vibrations as well as visual impacts. 32 feet is only half a standard road Right-of-Way. No one should have a materials extraction site closer than "just across the road". And at least one type of the physical screening/buffering elements should be mandated. Otherwise, a strip of bare earth would be permitted: and that has no buffer effect.

3. Amend 21.29.B.1.c to ensure visual screening:

2. When a buffer area has been denuded prior to review of the application by the planning commission or planning director revegetation may be required **and an 8-foot high berm or fence shall be required until the vegetation has achieved a screening effect.**

This language provides that a denuded buffer will have an effective manmade visual screen until vegetation re-grows.

4. Amend 21.29.057.C.7.d to protect simple drinking water systems:

d. Minimum separation distances do not apply to drinking water sources constructed after a permit to extract material below the water table has been issued. **Protected drinking water sources include surface collection points that are in use prior to the permit application.**

This language protects springs, small creeks, and seeps that residents tap for drinking water, not just drilled wells.

Thank you for this opportunity to comment on protection measures for lands and waters adjoining potential materials extraction sites.

Nancy Pease and family

Property owners in the Seldovia area

nancypease2@gmail.com

October 25, 2022

Kenai Peninsula Borough Planning Department

We are writing to oppose the proposed ordinance change that would allow permits for gravel pits up to 10 acres. The Counter Permit should remain at no more than 2.5 acres in size and retain a new language of a 2-year time period with one 12 month extension.

This is very much a noise, visual, and quality of life issue for neighborhood homes and residents in the borough. These gravel pits have a grave negative impact on water and wildlife as well.

My husband and I live in New York but purchased our land in Anchor Point as a retirement destination. We have been to many places in Alaska but were always charmed by the areas of Homer and Anchor Point. We purposely purchased in a subdivision with the hope that our retirement home would be within a lovely residential area with other houses and neighbors. It is disheartening to see the proliferation of these gravel pits that make the area seem like a construction zone. A 10-acre gravel pit would literally be 5 times the size of my lot! I cannot imagine any family wanting to live so close to a noisy, dusty gravel pit. The noise and pollution of all the heavy equipment is not conducive to healthy living.

We understand the need for building, maintenance, and expansion, but those needs have to be balanced with preservation of Alaska's natural resources and quality of life for residents. Would any of you be pleased with a noisy, dirty, loud gravel pit close to your family's house? Would you feel safe with your children and pets next door to one?

We implore you to seriously consider the devastating consequences if this ordinance is passed.

Sincerely,

Edward J. and Denise Burgin

213 N. 4th Street, Bethpage, NY 11714

(owners of property at Creekside Heights)

516 938 8013

Warner, Avery

From: Blankenship, Johni
Sent: Wednesday, October 26, 2022 10:22 AM
To: Warner, Avery
Subject: FW: <EXTERNAL-SENDER>2022-36 regulations to the pits

From: Victoria Chase <victoria.chase@LIVE.COM>
Sent: Wednesday, October 26, 2022 10:11 AM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>2022-36 regulations to the pits

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Regarding the new regulations to the pits. I have lived near them majority of my life and do not have a problem living near them. It has never bothered me. But also I think The borough does not maintain the roads properly, I think with new regulations and things putting in place within pits I think it will make things much worse.

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Warner, Avery

From: Blankenship, Johni
Sent: Friday, October 28, 2022 4:52 PM
To: Warner, Avery
Subject: FW: <EXTERNAL-SENDER>KPB Ordinance 2019-30 / 2019-30 SUB

From: Larry Smith <dlconst.smith@gmail.com>
Sent: Friday, October 28, 2022 4:34 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Subject: Re: <EXTERNAL-SENDER>KPB Ordinance 2019-30 / 2019-30 SUB

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Madam Clerk,

Here we are nearly three years later and my comments still apply to the pending gravel pit Ordinance. Please forward my comments to all Assembly members once again. Thank you.

On Mon, Jan 6, 2020 at 11:52 AM Blankenship, Johni <JBlankenship@kpb.us> wrote:

Larry, your comments will be distributed to the Assembly for consideration.

Thank you, Johni

From: Larry Smith [mailto:dlconst.smith@gmail.com]
Sent: Sunday, January 05, 2020 8:59 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>KPB Ordinance 2019-30 / 2019-30 SUB

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.

Madam Clerk,

Please forward my comments on this Ordinance to the Mayor and all Assembly members. Thank you.

My name is Larry Smith. My brother and I own a construction company and three gravel pits in the KPB. I was a contractor / gravel pit owner member of the KPB Material Site Working Group. I was the only member of that group to vote NO on the changes forwarded to the Planning Commission and the Assembly. I oppose this Ordinance and urge you to vote NO on these new and unnecessary regulations.

I oppose this Ordinance for some of the following reasons;

- 1) It attempts to regulate "viewshed" and there is no right to a viewshed. Viewshed is "feel good" language and you will not be able to enforce it;
- 2) Mining noise (equipment noise) is already regulated by the Mining Safety & Health Administration and both Federal and State OSHA. The decibel level proposed is not reasonable for heavy equipment and trucks and you will not be able to enforce it;
- 3) If you pass this ordinance how do you propose to enforce it and what will it cost KPB taxpayers? I asked this question of the Planning Director at the MSWG meeting(s) and was told it would not require any more money or staff.

There are already over 350 material sites and this just seems an unreasonable number to regulate with these new regulations and your existing staff and funding;

- 4) The State of Alaska has a number of material sites in the KPB that have no reclamation. How do you propose to enforce these new regulations with regards to these sites? And, if you can not, how can you then enforce them against private material site owners?;
- 5) Material site owners are not the only ones who make noise and create dust. Aren't you discriminating against material site owners if you do not impose these regulations against every other entity who makes noise and dust? For example, airplanes operating off gravel runways, garbage trucks when picking up large dumpsters and when backing up, maintenance equipment under contract to the KPB Roads department when maintaining KPB roads;
- 5) During the MSWG meetings it was determined that the Planning Commission was improperly administering the buffers relative to material sites. The Planning Commission was stacking buffer zones, six foot high berms and fences when the existing and proposed Ordinance specifically says "OR" relative to these. Will the Planning Commission continue to stack?;

Please vote NO on this Ordinance.

--
Larry Smith

President

D & L Construction Co., Inc.

(907) 262-6160

(907) 262-6163 Fax

(907) 398-4284 Cell

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Larry Smith

President

D & L Construction Co., Inc.

(907) 262-6160

(907) 262-6163 Fax

(907) 398-4284 Cell

RECEIVED

OCT 28 2022

TO: Assembly Clerk
Soldotna, Ak.

**Borough Clerk's Office
Kenai Peninsula Borough**

October 25, 2022

SUBJECT: Kenai Peninsula Borough (KPB) Material Site Assembly

As a twenty-five-year property owner within 2,640 feet of a Prior Existing Use, Conditional Land Use, Dewater Bar or Counter Permitted material site, of Homer and a forty-year Alaskan I wish to present concerns I have regarding relevant sections of KPB code 21.29, 21.25, 21.50.055.

My concerns follow:

- 1) Extensive and expensive building in Homer of both commercial and residential, secondary homes, and retirement homes are increasing at a rapid pace. How will this fit with gravel pits?
- 2) Designate gravel pits in specific areas, not vast unspecified places
- 3) Traffic and truck frequency, hauling size and weight, and timing constraints must be considered. Also, driveways and traffic impact. Adapt State of Alaska DOT regulations. Require permits and design controls
- 4) Insertion and consideration of wildlife corridors must be included.
- 5) Visual enhancement and screening ordinances need to be designated.
- 6) Step back from wells of at least 500 feet must be required for clean safe water.
- 7) Noise ordinances implemented.
- 8) Monitoring of water quality in wells for metals, contamination, and turbidity, plus the lowering of all water levels must be implemented.
- 9) No permit required for pits of one acre but less than 2.5 acres??? Permits required for each pit regardless of size.
- 10) Place a tax on materials withdrawn. The tax will be used for public purposes, so materials are just not "taken" from the resident population

Please keep me informed of all future action regarding this topic. Please mail all correspondence to 1800 Parkside Dr, Anchorage, AK 99501.

Sincerely,



Barbara N Reilly

40963 Heather St

Homer, Alaska 99603

Warner, Avery

From: Blankenship, Johni
Sent: Wednesday, November 9, 2022 3:39 PM
To: Warner, Avery
Subject: FW: <EXTERNAL-SENDER> MATERIAL SITE AMENDMENTS

Public comment for O2022-36 material site

From: Hans Bilben <catchalaska@alaska.net>
Sent: Wednesday, November 9, 2022 3:35 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER> MATERIAL SITE AMENDMENTS

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Hi Johni,
Would you please forward this to Assembly members and Planning.. Thanks

Assembly Members,

At the onset of the process to create a new material site ordinance it became apparent that the wishes of gravel operators and neighboring property owners were miles apart on just what this document might look like. There seemed to be consensus among you that if the two sides could reach common ground on at least some of the sections it would benefit and streamline the process. Ed Martin III (president of KPAC Association) and I agreed to work toward that end. After 4 1/2 years of involvement with the current ordinance, as well as participating in the former material site working group meetings and the current proceedings, I see the ordinance through the eyes of a property owner next to a proposed material site. Ed and I spent many hours discussing, negotiating, and trying to come up with language that could benefit both sides— obviously we don't agree on everything, but we put together a document. That document is now in the agenda as the "Derkevorkian Amendments" and within it are **18 sections** that we both agreed upon as beneficial. The attachment below details which sections that Ed and I agreed upon.

We sincerely hope that you will use this as a starting point, adopt these amendments, and then get on with the process of completing the remainder of the ordinance.

Hans Bilben
Anchor Point

Amendments within the Derkevorkian proposal which were agreed upon by are designated by ++ OK.

Amendments partially agreed upon are designated by +++ with desired changes noted.

21.29.010(C)

++ OK

21.29.015(D)

++ OK

21.29.050(A)(1)(a) +++ Agreement except should read "...provide visual and noise screening..."

(A)(1)(f)

+++ OK

Change and to or and change technology's to technology.

(A)(1)(g)

++ OK

(A)(2)(b)

++ OK

(A)(2)(c)

++ OK

(A)(4)

++ OK

(A)(5)(a)

++ OK

(B)(1)(c)

++ OK

(B)(4)

++ OK

21.29.055(A)

++ OK

(B)

++ OK

21.29.057

++ OK

21.29.063

++ OK

21.29.065

++ OK

21.29.130

Definitions

(A)(8)

++ OK

(A)(21)

++ Ok

Warner, Avery

From: Blankenship, Johni
Sent: Thursday, November 10, 2022 1:15 PM
To: Warner, Avery
Subject: FW: <EXTERNAL-SENDER>Kachemak Bay State Parks Citizen's Advisory Board Comments
Attachments: KBSP CAB RESOLUTION 2022 - 3 .pdf

Avery, please see the attached public comment for O2022-36.

Thank you, Johni

From: Robert Archibald <robert.e.archibald@gmail.com>
Sent: Thursday, November 10, 2022 1:05 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Kachemak Bay State Parks Citizen's Advisory Board Comments

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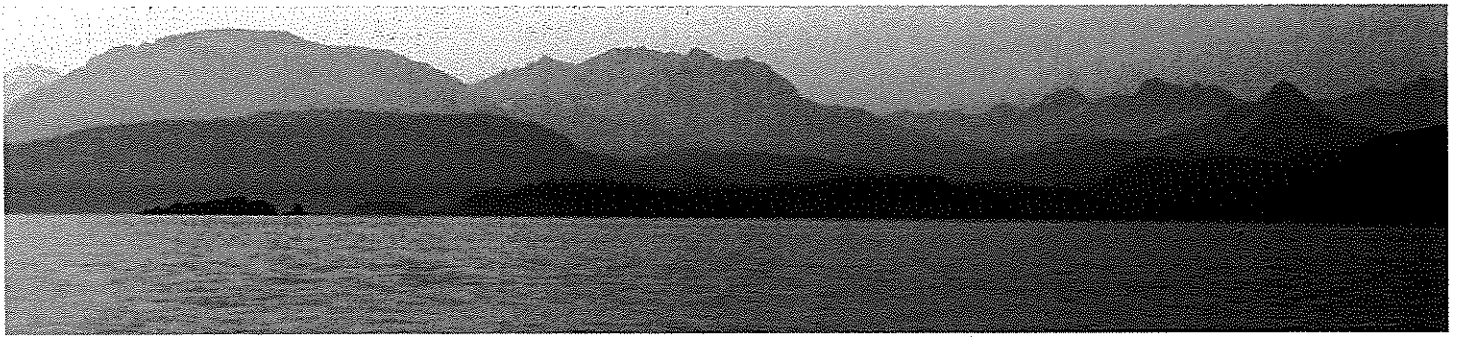
Dear Borough Clerk,

Attached is Resolution 200-3 passed by The Kachemak Bay State Parks and Kachemak Bay State Wilderness Park Citizens Advisory Board, (KBSP & KBWP CAB) on November 9, 2022 concerning updating Ordinance 2022-36, Amending KPB Chapter 21.25 and KPB Chapter 21.29 Regarding Conditional Land Use Permits and Material Site Permits and Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions.

Please pass the attached resolution on to members of the Borough Assembly and Committees dealing with updating these regulations.

Respectfully,

Robert Archibald. Chair
KBSP & KBSWP CAB



**Kachemak Bay State Parks and Kachemak Bay State Wilderness
Park Volunteer Citizen's Advisory Board
95 Sterling Hwy, Suite 2, Homer, AK 99603**

To
Kenai Peninsula Assembly Members
Filed Electronically
assemblyclerk@kpb.us

Resolution 2022 - 3

**A RESOLUTION OF THE KACHEMAK BAY STATE PARKS AND KACHEMAK
BAY STATE WILDERNESS PARK VOLUNTEER CITIZEN'S ADVISORY BOARD
REQUESTING A SET BACK FROM ALASKA STATE PARK BOUNDRIES**

WHEREAS, The Alaska Legislature created the Kachemak Bay State Park and the Kachemak Bay State Wilderness Park, (KBSP & KBSWP) in 1970 to "...protect and preserve [the park's] unique and exceptional scenic value"; and

WHEREAS, KBSP & KBSWP were formed and designated as a special purpose site under the Alaska Constitution article 8, section 7; and

WHEREAS, The Kachemak Bay State Park and Kachemak Bay State Wilderness Park Volunteer Citizen's Advisory Board was created in 1982 to provide a forum for the collection and expression of opinions and recommendations on matters relating to the Kachemak Bay State Park and Kachemak Bay State Wilderness Park to promote thereby the protection of the resources of the Kachemak Bay State Park and Kachemak Bay State Wilderness Park including its scenery, vegetation, wildlife, soils, waters, historic features, and wilderness core and outdoor recreational opportunities; and to promote therefore communication between the public, state, and local government and the administrators of the Kachemak Bay State Park and Kachemak Bay State Wilderness Park; and

WHEREAS, Kachemak Bay State Park and Kachemak Bay State Wilderness Park provide important recreational and economic opportunities for local residents and attracts tens of thousands of visitors each year who support a broad range of local businesses and jobs; and

WHEREAS, The Kenai Peninsula Borough is in the process of updating Ordinance 2022-36, Amending KPB Chapter 21.25 and KPB Chapter 21.29 Regarding Conditional Land Use Permits and Material Site Permits and Updating Notice, Applicability, Permit Types, Application Requirements, Standards and Permits Conditions; and

WHEREAS, The Kachemak Bay State Park Citizen's Advisory Board supports the value of an enjoyable environment in Alaska State Parks; and

WHEREAS, The conclusive effects of Material Site operations to adjoining State Parks have not been in the discussion; and

WHEREAS, Citizens and tourists who visit Alaska State Parks deserve to have a unique experience not affected by industrial operations such as Material Extraction Sites; and

WHEREAS, It is a known fact that Material Extraction Sites create noise, air pollution and truck traffic which affect nearby areas, and

WHEREAS, The water quality to adjoining PARK LANDS and streams can be adversely affected.

NOW, THEREFORE, BE IT RESOLVED THAT THE KACHEMAK BAY STATE PARKS AND KACHEMAK BAY STATE WILDERNESS PARK VOLUNTEER CITIZEN'S ADVISORY BOARD

DOES SUPPORT A SET BACK OF 1,000 FEET FROM THE BOUNDARY LINE OF AN ALASKA STATE PARK, RECREATION SITE OR RECREATION AREA FOR THE PURPOSE OF MATERIAL EXTRACTION

FURTHERMORE

THIS SET BACK SHOULD INCLUDE NATIVE VEGATATION TO REDUCE NOISE, AND AIR POLLUTION FROM STATE PARK LANDS

PASSED BY THE KACHEMAK BAY STATE PARK AND KACHEMAK BAY STATE WILDERNESS PARK VOLUNTEER CITIZEN'S ADVISORY BOARD

ON THIS THE 9th DAY OF NOVEMBER 2022

Respectfully Submitted,

Robert E. Archibald

Robert E. Archibald

Chair

Kachemak Bay State Park and

Kachemak Bay Wilderness Park Volunteer Citizen's Advisory Board

VOTE

Yes - 11

No - 0

Absent - 1

CC.

Warner, Avery

From: Blankenship, Johni
Sent: Monday, November 14, 2022 12:44 PM
To: Warner, Avery
Subject: FW: New Public Comment to Assembly Members

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Monday, November 14, 2022 12:38 PM
To: BoroughAssembly <Borough-Assembly@kpb.us>; Mayor's Department <MayorDepartmental@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Gordon and Sonja Nisler

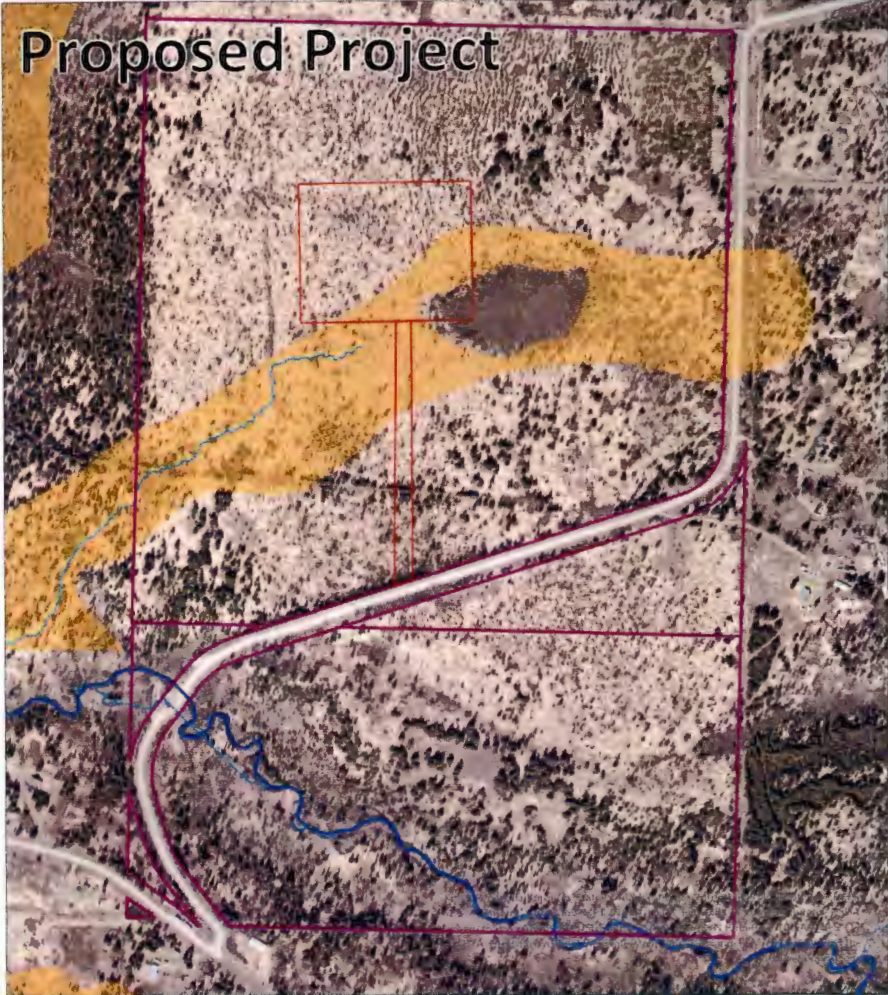
Your Email: gs2aa@yahoo.com

Subject: 2022-057

Message:

We would like to express our support for this resolution not only because the state should not go into competition with existing private businesses but also because of the the negative impact on the neighborhood (Coal Creek Subdivision) that a state take out would have. We are worried about extra traffic, safety, road destruction, trash accumulation, no state law enforcement on site as well as many other issues that will destroy the current fabric of the neighborhood. Thanks for your consideration. By the way, we live in this neighborhood.

Proposed Project

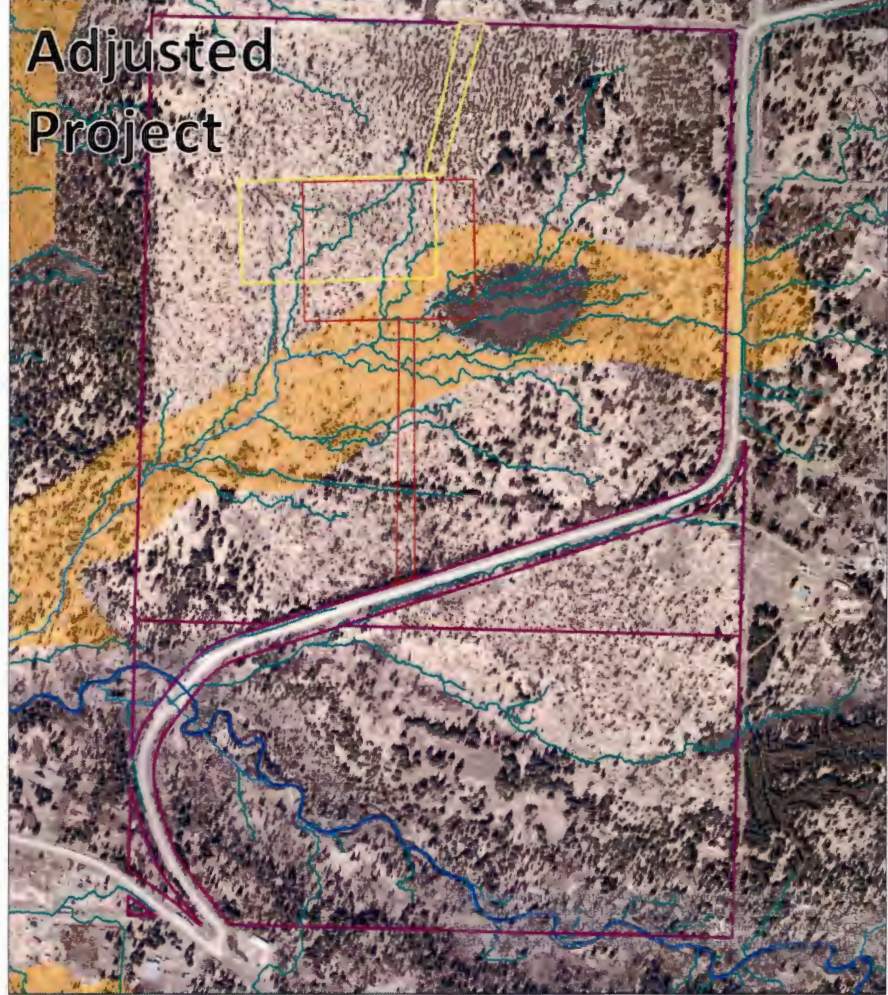


0 125 250 500 Meters

- Proposed Footprint
- KPB Parcel
- Anadromous Streams
- Predicted Streams
- Peatland



Adjusted Project



0 125 250 500 Meters

- Adjusted Footprint
- Proposed Footprint
- KPB Parcel
- Anadromous Streams
- Predicted Streams
- Flowpaths
- Peatland

