

**VERBATIM TRANSCRIPT**

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KENAI PENINSULA BOROUGH PLANNING COMMISSION

LOCATION

Assembly Chambers  
George A. Navarre Administration Building  
144 North Binkley Street  
Soldotna, Alaska 99669

July 16, 2018  
7:30 p.m.

TRANSCRIPT OF PROCEEDINGS - EXCERPT  
Pages 1 - 111, inclusive

Commissioners Present:

Syverine Abrahamson-Bentz, Ninilchik/Anchor Point  
Paulette Bokenko-Carluccio, City of Seldovia  
Cindy Ecklund, City of Seward  
Diane Fikes, City of Kenai  
Blair Martin, Kalifornsky Beach  
Virginia Morgan, East Peninsula  
Robert Ruffner, Clam Gulch/Kasilof  
Franco Venuti, City of Homer  
Paul Whitney, City of Soldotna

Staff Present:

Max Best, Planning Director  
Patti Hartley, Administrative Assistant  
Scott Huff, Platting Manager  
Holly Montague, Deputy Borough Attorney  
Jordan Reif, Platting Technician  
Bruce Wall, Planner

Others Present:

Xochitl Lopez-Ayala  
Todd Bareman  
Hans & Jean Bilben  
Gerald Blair  
Walt Blauvelt, Axtel Enterprises  
Michael Brantley  
Phil Brna  
Tammy Buss  
Richard Carlton  
Robert Corbisier, Attorney, Reeves Amodio, LLC

Transcribed by: Sheila Garrant, Notary Public

<p style="text-align: right;">Page 2</p> <p>1 Others present: (Continued)</p> <p>2 Gary Cullip</p> <p>3 Gina DeBardelaben, McLane Consulting, Inc.</p> <p>4 Josh Elmaleh</p> <p>5 Kate Finn</p> <p>6 John Girton</p> <p>7 James Gorman</p> <p>8 David Gregory</p> <p>9 Steve Haber</p> <p>10 Don Horton (father)</p> <p>11 Don Horton (son)</p> <p>12 Lauren Isenhour</p> <p>13 Pete Kinneen</p> <p>14 Rick Oliver</p> <p>15 Eldon Overson</p> <p>16 William Michael &amp; Linda Patrick</p> <p>17 Jim &amp; Susan Reid</p> <p>18 Bob Shavelson, Cook Inletkeeper</p> <p>19 Eileen Sheridan</p> <p>20 Emmitt Trimble, Beachcomber, LLC</p> <p>21 Josh Updike, Peninsula Paving, LLC</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 will do little to minimize the visual impact or noise</p> <p>2 disturbance to other properties. Staff recommends that</p> <p>3 a 50-foot vegetated buffer be required adjacent to the</p> <p>4 section line easement on the east property line; that</p> <p>5 would be along Denver Road.</p> <p>6 Part of Denver Road is a half dedication.</p> <p>7 Part of it is not -- well, let me rephrase that. Part</p> <p>8 of it is -- Denver Road is platted, and the portion on</p> <p>9 his property is a section line easement. And then also</p> <p>10 the northern part, both sides of the roadway is a</p> <p>11 section line easement.</p> <p>12 So in simple terms, the staff is</p> <p>13 proposing that a 50-foot vegetated buffer be required</p> <p>14 along Denver Road beginning at the edge of the section</p> <p>15 line easement, and then a six-foot berm inside of that.</p> <p>16 And then down along Echo Drive and going</p> <p>17 to the west, the same buffer is being proposed by</p> <p>18 staff: 50-feet of vegetation and then a six-foot berm</p> <p>19 on the inside of the vegetated buffer. And then</p> <p>20 wrapping around to the south there, that little leg</p> <p>21 there adjacent to that parcel, the same buffer.</p> <p>22 And then from there to the west, there's</p> <p>23 a few subdivision lots down on the south side there and</p> <p>24 there's really no vegetation there at all. There staff</p> <p>25 recommends a 12-foot high berm to provide the visual</p>
<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS</p> <p>2 7:52:35</p> <p>3 (This portion not requested)</p> <p>4 8:44:01</p> <p>5 <b>CHAIRMAN MARTIN:</b> We'll move to Item F4,</p> <p>6 Resolution 2018-23. Staff report, please.</p> <p>7 <b>MR. WALL:</b> Thank you, Mr. Chairman.</p> <p>8 This is an application for a conditional</p> <p>9 land use permit for a material site in the Anchor Point</p> <p>10 area. It is located at 74185 Anchor Point Road. The</p> <p>11 parcel number is 169-010-67. The applicant is</p> <p>12 Beachcomber, LLC. The site plan and application</p> <p>13 proposes the following buffers:</p> <p>14 On the north, a six-foot high berm,</p> <p>15 except along the east 400 feet where a 50-foot</p> <p>16 vegetated buffer is proposed; the south and east, a</p> <p>17 six-foot high berm; the west, greater than 50 feet of</p> <p>18 vegetation.</p> <p>19 Much of the vegetation was removed from</p> <p>20 this property 20 to 30 years ago. The neighboring</p> <p>21 properties adjacent to the southeast corner of the</p> <p>22 proposed material site are at a higher elevation than</p> <p>23 the subject property. This may be easiest to see on</p> <p>24 the contour map on page 119 of your packet.</p> <p>25 The proposed six-foot high berm alone</p>	<p style="text-align: right;">Page 5</p> <p>1 impacts there.</p> <p>2 The west side, he's not excavating in the</p> <p>3 far west portion of the property, he's going to leave</p> <p>4 that vegetated. And then the berms as he proposed, a</p> <p>5 six-foot berm along the other property lines except for</p> <p>6 that in the northeast corner there where he's proposing</p> <p>7 natural vegetation.</p> <p>8 So with the proposed six-foot berm, I was</p> <p>9 not able to state in the staff report that the</p> <p>10 standards in KPB 21.29.040 had been met, but with the</p> <p>11 addition of the 50-foot vegetated buffer in portions of</p> <p>12 the property, I was then able to draft the findings</p> <p>13 stating that the standards had been met.</p> <p>14 Of course, this decision concerning</p> <p>15 buffers is entirely up to the Planning Commission. The</p> <p>16 code states, "The vegetation and fence shall be of</p> <p>17 sufficient height and density to provide visual and</p> <p>18 noise screening of the proposed use as deemed</p> <p>19 appropriate by the Planning Commission."</p> <p>20 While we are still on the map on page</p> <p>21 119, some of the property lines are not accurately</p> <p>22 depicted on these maps that I created. We've been</p> <p>23 updating the -- once I discovered the error, we've been</p> <p>24 updating the borough's mapping system, but I wasn't</p> <p>25 able to generate a new map for tonight's meeting.</p>

<p style="text-align: right;">Page 6</p> <p>1 What I'm getting at there is Beachcomber 2 Street on the north portion of the property coming off 3 of Anchor Point Road, where it ends it looks like 4 there's a gap between that parcel -- at the end of 5 Beachcomber Street and the parcel, and that's 6 inaccurate. 7 To get a better representation of that 8 would be to go to the site plan on page 113 where you 9 can see that there's not that gap there. Like I say, 10 we're fixing that. 11 So now that we are looking at the site 12 plan, it indicates that the proposed processing area is 13 located 200 feet from the south of the last lot of 14 Beachcomber Street, which is currently undeveloped. 15 The parcel across the street from that one is developed 16 and it is located within 300 feet of the proposed 17 processing area. 18 This parcel is owned by the applicant's 19 daughter. A waiver is being requested for the 300-foot 20 processing distance requirement from this property 21 line. Staff does not recommend approval of the 22 processing distance waiver request. 23 We have numerous letters from adjacent 24 property owners and agencies in your desk packet 25 tonight. The staff report in your packet recommends</p>	<p style="text-align: right;">Page 8</p> <p>1 representing Robert Bob Baker on behalf of the R.O 2 Baker Trust. He is an adjacent property owner. I have 3 submitted written comments, I'd like to briefly 4 summarize them orally though. 5 I primarily make five points in the 6 written comments. First of all, there's no way that a 7 conditional use permit in this location could 8 adequately protect the environment. Fugitive dust is 9 going to be coming off of the gravel pit into the 10 adjacent wetlands, the Anchor River, and the estuary. 11 There is going to be drainage issues. 12 There's going to be dewatering issues. Although the 13 applicant has stated at this time he's planning on 14 staying above the water table, the application does 15 state at some point in the future he intends on going 16 into the water table. 17 The well location itself is deceptive 18 when you look at the gradient of where the test hole 19 was dug. It is at a near -- it's at a high point in 20 the area adjacent to a bluff that drops way off, and so 21 naturally you are going to have a lower water table at 22 that spot. It also violates the ADEC best practices 23 manual, which suggests having a four-foot separation. 24 You are also going to have noise that is 25 going to damage wildlife habitat and it violates the</p>
<p style="text-align: right;">Page 7</p> <p>1 approval of the conditional land use permit, however 2 because of the amount of written materials that you 3 have received tonight, I'm recommending that you 4 conduct the public hearing tonight and then continue 5 the hearing to your August 13th meeting to allow 6 yourselves time to read the written comments that you 7 have received. 8 That is the end of my report. 9 <b>CHAIRMAN MARTIN:</b> Thank you. Anyone here 10 wishing to testify? Please state your name and address 11 at the microphone. 12 <b>ROBERT CORBISIER:</b> This is the right 13 gravel permit? 14 <b>CHAIRMAN MARTIN:</b> Yes, sir. 15 <b>ROBERT CORBISIER:</b> Mr. Chairman, I do 16 apologize. I was working on my notes, and all of a 17 sudden I heard "materials site extraction," and I 18 wanted to jump. I was like, "Why isn't anybody else 19 saying anything?" 20 My name is Rob Corbisier. I do have 21 prepared statements. I would ask for ten minutes, I 22 think I can still get through it in five. 23 <b>CHAIRMAN MARTIN:</b> Go for it. 24 <b>ROBERT CORBISIER:</b> I am a resident of 25 Anchor Point, however, I'm an attorney here</p>	<p style="text-align: right;">Page 9</p> <p>1 borough's Costal Zone Management Plan. 2 Second, it's not going to be able to 3 preserve recreational values. There are two state park 4 campsites adjacent to the area. Anglers fishing on the 5 Anchor River and camping on the beach and in the 6 campsites are going to be able to hear the noise, and 7 the heavy truck traffic is going to interfere with 8 recreational traffic going to and from the beach and 9 the tractor launch site. That road is quite narrow, 10 that is going to be ripe for disaster. 11 It is going to impact residential values 12 dramatically. There are 13 classified -- residential 13 classified parcels that are adjacent to right next to 14 it. There are -- I counted approximately 40 within 15 1,500 feet. 16 A six-foot berm is not going to be 17 sufficient for either visual separation or auditory 18 separation especially when you consider second-story 19 houses. 20 This is going to create an attractive 21 nuisance. You have Chapman Elementary School that is 22 not far from that. Children go down and play near the 23 beach and in that area all the time. 24 In the borough's working group on the 25 material site regulations there was testimony</p>

<p style="text-align: right;">Page 10</p> <p>1 describing how winds in the wintertime turn otherwise 2 vacant gravel pits into sandblasting facilities that 3 absolutely knock out somebody's house next door. 4 In this location, it is adjacent both to 5 Cook Inlet and the Anchor River flats there, there is 6 undoubtedly going to be high winds. It is the highest 7 level HUD wind zone. 8 It is going to impact property values. I 9 understand the borough assessor does not necessarily 10 drop property values just based on the existence of a 11 gravel pit; however, studies in the Lower 48 show a 12 documented drop of around 33 or higher percent when a 13 gravel pit is developed. 14 Although staff has recommended a buffer 15 on the east side and the north side, there is not a 16 buffer that is being recommended even on the south 17 side. And so you are still going to have residential 18 parcels with nothing other than a six-foot berm. 19 Lastly, for residential values, Denver 20 Street does not comply with the ADEC best management 21 practices for a dedicated access point. 22 Third, this is not needed. There are 23 approximately 50 parcels in the greater Anchor Point 24 area either off the Old Sterling Highway, the Sterling 25 Highway, or the North Fork Road that either have</p>	<p style="text-align: right;">Page 12</p> <p>1 insolvent, there is a potential for an outside operator 2 that could come in and continue to decimate the mouth 3 of the Anchor River and its recreational values in the 4 event that there's a sale. 5 Thank you very much. I will otherwise 6 defer to my comments. Are there any questions? 7 <b>CHAIRMAN MARTIN:</b> Any questions? 8 <b>ROBERT CORBISIER:</b> Thank you. 9 <b>CHAIRMAN MARTIN:</b> None at this time. 10 Thank you. Next testifier, please. 11 <b>MICHAEL BRANTLEY:</b> Good day, ladies and 12 gentlemen of the assembly. You are here today to 13 represent -- 14 <b>CHAIRMAN MARTIN:</b> Name and address for 15 the -- 16 <b>MICHAEL BRANTLEY:</b> Pardon me? 17 <b>CHAIRMAN MARTIN:</b> Name and address for 18 the record. 19 <b>MICHAEL BRANTLEY:</b> Yes, ma'am -- yes, 20 sir. 21 My name is Michael Brantley. My address 22 is 74057 Anchor Point Road, 300 miles west -- I mean, 23 300 feet west of Denver Road, which is going to be the 24 access road for this pit. 25 I just retired after 41 years and three</p>
<p style="text-align: right;">Page 11</p> <p>1 conditional use permits as gravel pits or are existing 2 prior uses. 3 So lastly, the borough should simply just 4 wait for the regs to come out. There's no reason for 5 the Planning Commission to approve this application 6 right now. Let the process that has been started by 7 the assembly finish before the conditional use permit 8 is authorized. 9 If the Planning Commission feels a need 10 to do something, an alternative that should be 11 considered would be only developing the Phase 1 portion 12 of the project allowing then the applicant to come back 13 for later phases after the regulations are in place. 14 Now lastly, my client asked me to make 15 several additional points here at this meeting. To his 16 knowledge, the applicant has no experience operating a 17 gravel pit. I mean, simply from an LLC standpoint, 18 Beachcomber, LLC is a brand new LLC, it has no business 19 history. 20 He has questions about what -- what is 21 the financing for the extraction? The start-up costs? 22 The ability for the applicant to post a requisite bond? 23 What is the insurance going to be like? What is the 24 LLC's solvency? 25 In the event that the LLC is to become</p>	<p style="text-align: right;">Page 13</p> <p>1 months working for the federal government. 31 years of 2 that working history I worked gravel pits and quarries. 3 I've seen a lot of noise, or heard a lot of noise too 4 actually, and these things create carcinogens, and 5 carcinogens is cancerous. 6 Imagine somebody with their family 7 driving down with their RV or SUV, windows down, and 8 their children breathing in all this air every day that 9 this is going on. Just imagine that. 10 We have a traffic problem as it is on the 11 beach road. And to be exact, that road is a disaster, 12 it is a hazard, it is a liability to the Kenai 13 Peninsula Borough as of this day, that is my opinion. 14 This needs to be rectified. 15 This pit is on the backside of my lot, it 16 borders it. I am north of his line there. I spent 17 hundreds of thousands of dollars the past couple of 18 years to build my dream, my business down there, a 19 fly-tying shop. And now I will have a pit going in 20 next door. 21 I've got guests that gets up at all types 22 of hours to fish, you all know that, they go according 23 to the tide and the weather. So if they are going to 24 put a berm up there, they better also put up a wall. 25 They also need to have DEC inspections if</p>

<p style="text-align: right;">Page 14</p> <p>1 this is going to happen, and I mean on a regular basis.  2 I had 12 certificates dealing with hazardous waste  3 working for the Air Force, so I have experience in all  4 of this, and I'm telling you that it's not right for  5 the neighborhood.  6 I've spent tens of thousands of dollars  7 to get my DEC engineer-approved water system put in.  8 That was quite the experience. I drilled four wells  9 right next to one that was producing 26 gallons a  10 minute. I went down a few hundred feet and still  11 couldn't find water. Fortunately for me the borough  12 came back and changed the regulations and now my well  13 is classified as private, so therefore I can use it.  14 However, the well is only down 38 feet. And I'll let  15 you know again, Kenai Peninsula Borough/DEC has  16 approved this.  17 There is something that came to my  18 attention some time ago when I first bought this  19 property. The property was previously owned by Albert  20 Don Magee from Oregon. Now some time ago I heard a  21 story, so I did some inquiring. The story I understand  22 was that he had a son that had passed away and he  23 decided to bury his son on this property that we are  24 talking about today. I have been in contact with the  25 family members down there trying to get verification of</p>	<p style="text-align: right;">Page 16</p> <p>1 that property. It so happens to be his ancestry is  2 Cherokee.  3 I shall leave you with that, and you all  4 have a good evening. I hope you make the right  5 decision on this. The community can't have this.  6 If you are going to put this in and you  7 push it through, there's three things that I want. I  8 want that road to be completely redone from the boat  9 launch all the way to the bridge.  10 The borough came down the other day and  11 did some shoulder work. There is no shoulder on one  12 side of that road half the way down. If you fall -- if  13 you go over that line, white line, you are down four  14 feet, your car is ruined, and you guys will get a bill.  15 I've seen a lot of foot traffic. I got  16 photos. I have a photo of a woman pushing three babies  17 in a cart down that road. I have one of two babies. I  18 have a group of six people. Unfortunately, rushing  19 here from my place, I left all that information there,  20 but I'll gladly dig it up and send it to any one of you  21 that want to look at that.  22 <b>CHAIRMAN MARTIN:</b> Thank you.  23 <b>GARY CULLIP:</b> My name is Gary Cullip and  24 I'm a resident there. I'm up on the end of Seabury  25 Court, and I overlook this whole area for the gravel</p>
<p style="text-align: right;">Page 15</p> <p>1 this as we speak, and as I get this information I will  2 pass it on to the appropriate people.  3 And this is all I have to say. Let me  4 check my notes.  5 <b>CHAIRMAN MARTIN:</b> Do you have any  6 questions?  7 <b>MR. WALL:</b> Mr. Chairman, if I could.  8 <b>CHAIRMAN MARTIN:</b> Yes.  9 <b>MR. WALL:</b> You mentioned that you have  10 well. Did you indicate that's approved as a public  11 water supply system?  12 <b>MICHAEL BRANTLEY:</b> Yes, sir.  13 <b>MR. WALL:</b> And when was that approved?  14 <b>MICHAEL BRANTLEY:</b> Here I got -- finally  15 got the approval last -- a couple weeks ago.  16 <b>MR. WALL:</b> Okay. Because I was going to  17 say that doesn't -- in our comment letter from DEC they  18 didn't mention that.  19 <b>MICHAEL BRANTLEY:</b> Sure.  20 <b>MR. WALL:</b> So I'll do some follow up with  21 them. Thank you.  22 <b>MICHAEL BRANTLEY:</b> Sure, sure, that's  23 fine. I appreciate that.  24 Something else I want to talk about this  25 possible deceased son that possibly could be buried on</p>	<p style="text-align: right;">Page 17</p> <p>1 permit.  2 My biggest concerns I have -- he might  3 meet all of the regulations, but I think there's  4 circumstantial evidence that's involved here that you  5 really need to take a hard look. I think you really  6 need to table this, take it up on your August 13th  7 meeting.  8 My biggest concerns I have is the  9 condition of the road, number one. I know the borough  10 does not have the money to go rebuild that road. So if  11 that has to happen, you need to put a condition to the  12 permit to make the permittee liable for it.  13 And I don't know how in the world anybody  14 could really address the safety issues. Number one  15 safety as I see, is that road is the main access for  16 people to get from the state parks down to the beach.  17 So you have all kinds of foot traffic on a very, very  18 narrow road as is. You have up to 40 boats traveling  19 that road to get launched every day, and you are going  20 to put these dump trucks and stuff in there, it's going  21 to be a disaster. It really, really -- you people need  22 to take a hard look at it.  23 And like I said, it's a very different  24 permit that we are talking about here. This is in the  25 middle of a residential area, lots and lots of people</p>

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1 to be affected by this.  
2 Now if you at all can find yourselves to  
3 go ahead and table this, take all the rest of the  
4 information that you are going to receive from all  
5 these people that are here and then make a wise  
6 decision. Thank you.  
7 **CHAIRMAN MARTIN:** Thank you. Any  
8 questions? None at this time. Next testifier, please.  
9 Name and address for the record.  
10 **WILLIAM PATRICK:** William Michael Patrick  
11 at 34897 Fisher Court in Anchor Point.  
12 I'm a coward. I ran away from the Lower  
13 48 in 1990 and came up here and taught in rural Alaska  
14 for a long time. I came to Anchor Point because it's a  
15 beautiful place. I picked a lot on a hill. I look out  
16 my front window and I can see Mt. Iliamna. I look out  
17 the side window, I see Mt. Redoubt. I go over to my  
18 neighbor's house across the street and we can even see  
19 Mt. Augustine.  
20 Over the past six years I've had the  
21 pleasure, the ecstatic pleasure of a lifetime -- talk  
22 about quality of life -- to see three sets of twin  
23 calves born in my front yard. I actually got to see  
24 them coming out, and I got to enjoy them running around  
25 on the front lawn.

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1 In the fall, sandhill cranes fly about  
2 that amphitheater bowl that we have there at the mouth  
3 of the Anchor River, and they are just squawking, and  
4 the way sounds carry there it sounds like they are in  
5 your living room. They will land on the hillside and  
6 down in the very area where this pit is going to be and  
7 they walk around. They are a majestic bird to see.  
8 I can drive down by the beach and I can  
9 see people walking on the beach, enjoying it. There is  
10 much beauty there. This is a very unique area. It's  
11 not down some dirt road. The farthest westerly point  
12 on the American highway system is right down there, and  
13 I can just see the tourist now, "Hey, I drove out as  
14 far west as I can in the United States and there's a  
15 gravel pit there." You know, "Go West, young man, go  
16 West." I guess you have to go farther west to get away  
17 from the gravel pits.  
18 I don't begrudge anybody making money, I  
19 don't. As a school teacher, I wish I could have found  
20 a way to make a little more money, but I don't begrudge  
21 business, any of that, but I do have some questions as  
22 a science teacher.  
23 You guys are talking about water tables.  
24 When these people make gravel pits and they let them  
25 fill up with that water, does that subject your

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1 groundwater to pollution? Because it's in contact with  
2 the atmosphere now.  
3 When you allow them to dig that out and  
4 put a pond in there, what about attractive nuisance?  
5 Let's say a neighborhood kid falls in there. Is the  
6 gradient on the pond steep enough to where he can't get  
7 out? Or you've got moose walking around, they'll -- if  
8 you've ever watched a moose, he'll walk right into  
9 something like that. Would he end up drowning because  
10 he can't get out of the hole in the ground that's  
11 covered up with water so that the gravel guy didn't  
12 have to reclaim it? I don't know.  
13 Flora and fauna, very unique. You've got  
14 a collision between freshwater systems and saltwater  
15 systems. What is on the ground there? What type of  
16 viruses? What types of bacteria? Are they helpful?  
17 Harmful? And what happens when you make them airborne  
18 on dust particles and they blow around? I personally  
19 am allergic to dust.  
20 But my house sits at 110 feet elevation  
21 about 150 yards from the entrance to this pit. The pit  
22 is at 44 feet elevation. You can't -- you'd have to  
23 put a dome over there to keep me from seeing into it.  
24 But then you would also make Mt. Iliamna and Mt.  
25 Redoubt disappear and that might cause a big stir in

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1 the National Geographic Society.  
2 But sea breezes, land breezes. We always  
3 get a sea breeze. Sometimes it's hurricane force. But  
4 when that sea breeze comes in every evening, guess  
5 what, it blows the dust right on my house, but not just  
6 mine, I've got a neighbor just to the right of me, I've  
7 got a neighbor behind me. Mr. Cullip there lives just  
8 within 100 yards of me.  
9 As you come up my private road, Deesa  
10 (ph) Road -- it's not really a road, it's kind of a  
11 path, but I have one, two, three more neighbors there.  
12 And on the left-hand side I have another neighbor  
13 there.  
14 These people are even closer than 150  
15 yards. But picture that, over 150 yards you have a  
16 rise in elevation of, like, 66 feet.  
17 Now I have two wells at my house. The  
18 reason I have two wells is I drilled the first one and  
19 I ran into an underground stream, an underground  
20 stream. Perfect water, okay.  
21 But through happenstance it gave out in  
22 just a couple of years, so I had to drill another well.  
23 Now that's 70 feet down. Now if you go 70 feet down  
24 from my house into the aquifer that I'm in --  
25 **CHAIRMAN MARTIN:** Could you wrap up?

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1 That's five minutes.  
2 **WILLIAM PATRICK:** All right. Could I  
3 just --  
4 **CHAIRMAN MARTIN:** Yes.  
5 **WILLIAM PATRICK:** -- you carry that over,  
6 that puts the ground level estimate down there at four  
7 feet above the water table. That's just an estimate.  
8 But I would suggest that you would have  
9 to drill more than one hole to determine the validity  
10 of the water table in that area, particularly in that  
11 area because it has many underground streams. Gravel  
12 filters water. That water is running down towards the  
13 ocean and towards the Anchor River.  
14 So, you know, scientifically if you look  
15 at these things it's fine, but I'm going to get the  
16 noise, I'm going to get the dust, I'm going to have the  
17 visual impact. I'm going to be subjected to safety  
18 pulling out of my road and not getting run over by a  
19 dump truck and so are many, many other people.  
20 I've seen the kids at the elementary  
21 school down there on walking field trips. And the  
22 bridge that services that Anchor River Road is  
23 condemned, it's condemned.  
24 **CHAIRMAN MARTIN:** Thank you.  
25 **WILLIAM PATRICK:** Thanks.

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1 **CHAIRMAN MARTIN:** Questions? Ms. Bentz?  
2 We have a question, sir.  
3 **COMMISSIONER BENTZ:** What was the depth  
4 of your first well?  
5 **WILLIAM PATRICK:** 20 feet.  
6 **COMMISSIONER BENTZ:** Thanks.  
7 **CHAIRMAN MARTIN:** Thank you.  
8 **TODD BAREMAN:** My name is Todd Bareman,  
9 and I live on the Old Sterling in Anchor Point, and I  
10 own the tractor launch down there at the beach.  
11 I would like to say that that road does  
12 need some addressing. It's in terrible shape. That's  
13 not what we are here for, but we are here to not make  
14 it any worse and cut into the recreational use that's  
15 going on down there.  
16 This pit, if it's permitted, there will  
17 be a crusher that five campgrounds are able to hear, a  
18 trailer park and two RV parks.  
19 How are recreational people going to get  
20 along with that, much less all the residents here that  
21 do have a problem with it.  
22 I'd like to say we are here because  
23 there's not enough regulations and that's why you are  
24 changing this permit process. And I think it should be  
25 tabled until you get some new regulations. This is not

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1 a normal gravel pit and it's not in a normal area as  
2 you can see by this testimony.  
3 And I would ask that you be a little bit  
4 lenient about people here testifying. This is very  
5 personal, because this is their property and their  
6 livelihoods that are going to be affected here.  
7 That's all I have.  
8 **CHAIRMAN MARTIN:** Thank you. Any  
9 questions? No questions at this time. Next testifier,  
10 please.  
11 **UNKNOWN SPEAKER:** Come on, stand right  
12 behind me. Come on, stand here.  
13 **LINDA PATRICK:** My name is Linda M.  
14 Patrick, I live at 34897 Fisher Court. That was my  
15 husband that spoke earlier.  
16 And I too want to mention all of the  
17 points that he mentioned, however, I'm going to stick  
18 to just one, and that's the noise level.  
19 Now there is excavating going on  
20 presently at that north corner of the designated area,  
21 already been dug out, consistently digging and hauling  
22 gravel and trucks in and out of there right now. That  
23 can sometimes start by 7:30, 7:00 in the morning -- the  
24 other day it was 7:00, and it runs all day. We can  
25 hear it. We can close our doors and our windows; that

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1 noise still permeates our house. Where is our  
2 protection? Where is our safety, our visual, our  
3 hearing? I just want to know, where is our protection?  
4 **CHAIRMAN MARTIN:** Any questions? None.  
5 **JOHN GIRTON:** Hello, my name is John  
6 Girton, and I live on Twin Peaks Loop. I'm about a  
7 mile from this construction site, so it's really not  
8 going to affect me much as far as what most of the  
9 people here are concerned about.  
10 Before I get into my concern, there is at  
11 least two graves in the middle of this site. One is  
12 the son of Joe and Gladys Dandona, their son is buried  
13 there. And I think there's another one, I think the  
14 McDonalds' have a son buried there also. I can't take  
15 you right to where it is, but it's definitely right in  
16 the middle of this plot.  
17 I'm moved to Anchor Point 25 years ago,  
18 and for one reason, the use of the beach road and the  
19 beach launch because I fish. And that road is so bad  
20 that somebody is going to get killed on it the way it  
21 is now.  
22 Three times in the last 25 years I have  
23 had gravel trucks coming down Danver from a project up  
24 there that hit my boat and my tow vehicle. Once it  
25 took my left-hand mirror off and twice it hit the back



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1 of my trailer. There's not enough room to move over to  
2 make room for these boats and the gravel pit trucks.  
3 And believe me, the gravel drivers are  
4 not going to get out of way of the boats, they just  
5 push us off. Now that they put in -- they dug out the  
6 berm, there's no place to go.  
7 And my boat is wide, my boat is 11-foot  
8 wide. And somebody said 40 boats a day. There are  
9 days when there are 100, 125 boats down that road.  
10 There's a lot of traffic. Plus you have the campers  
11 and the motorhomes that, you know, they need room. And  
12 these trucks, when they start rolling, it's going to be  
13 a very, very serious problem.  
14 There's a lot of walkers, a lot of kids,  
15 a lot of bicyclers, and it's -- right now when you  
16 drive onto the beach or back, you always have to move  
17 over to the side of the road to make room for the  
18 people walking along the road.  
19 I don't know if you've ever been down  
20 there. I mean, maybe you guys all live up here and  
21 don't know this road and don't know the problems, but  
22 you should get down and take a look at it before you  
23 make a decision, because it's a very serious problem.  
24 The road is in very, very bad shape and somebody is  
25 going to get killed.

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1 If you do approve it, which God, I hope  
2 you don't, you put in one of these restrictions. One  
3 of the restrictions should be no Jake brakes, because  
4 those trucks go down that hill on the Old Seward  
5 Highway down the left hand appearing to the beach, and  
6 they run those Jake brakes, and it is horrible where I  
7 live.  
8 I only live 150, 200 feet off the Old  
9 Sterling Highway, but it's a big problem when they do  
10 that. And they all do it, and there's no -- there's no  
11 enforcement. I mean, you guys can tell them not to do  
12 it, but nobody is going to enforce it.  
13 Just like -- I've had a couple of gravel  
14 pit operators tell me -- they just laughed. They said,  
15 "Well, once we get the permit we do anything we want.  
16 We come to this, we get our permit, and they tell us  
17 what we can do and what we can't do, but we do it  
18 anyway once we have it."  
19 And that really concerns me especially  
20 with some of the people involved in this project.  
21 So I really hope you do not approve this.  
22 It's like -- it's just like signing a death warrant to  
23 Anchor Point if you do, because if that tractor and  
24 launch cannot continue to operate because of the road  
25 conditions and the lack of boats going down to launch,

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1 there's nothing else in Anchor Point to do. That is,  
2 like, 95 percent of our commerce in Anchor Point. It's  
3 a very serious thing you are going to do to Anchor  
4 Point if you allow this gravel pit to go in.  
5 Todd was going to expound it a lot more  
6 on what it would do to his business, but I guess he's  
7 just more of a gentleman than I am. But I'll tell you,  
8 it will be devastating if -- to that whole community if  
9 we lose that beach launch. That is the only thing  
10 anybody -- that's the only thing Anchor Point has. We  
11 don't even have a restaurant anymore. We have a beach  
12 launch, and you take that away from us, you are going  
13 to hurt a lot of people.  
14 **CHAIRMAN MARTIN:** Thank you.  
15 **JOHN GIRTON:** I guess that's all.  
16 **CHAIRMAN MARTIN:** Any questions? No  
17 questions at this time. Thank you for your testimony.  
18 **JOHN GIRTON:** Safety is my whole thing.  
19 I don't know anything about that pit. I'm not going to  
20 live by it and I'm not going to smell it, I'm not going  
21 to get the dust from it, it's the safety of that road.  
22 Thank you.  
23 **CHAIRMAN MARTIN:** Thank you.  
24 **HANS BILBEN:** We have some handouts to  
25 hand out to -- for the Commission.

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1 **CHAIRMAN MARTIN:** Patty will take care of  
2 it for you.  
3 **HANS BILBEN:** My name is Hans Bilben. I  
4 live at 35039 Danver Street where we built our home,  
5 and we've resided there for the past 15 years.  
6 I'm going to read a little statement here  
7 that kind of sums up why Jeanne and I, as well as most  
8 people in Anchor Point, live where we do.  
9 The statement says, "The natural beauty,  
10 the authenticity of the people, the adventure and the  
11 peaceful life come together to make Alaska a place to  
12 realize dreams.emm  
13 Funny thing about that statement, it's  
14 the first paragraph from the Coastal Realty website.  
15 That's the company that's owned by the same people who  
16 want to destroy the lifestyle that they claim to  
17 promote in their website. They want to develop a mine  
18 in the very heart of Anchor Point.  
19 There's an unlimited number of  
20 well-qualified reasons not to have a gravel pit in this  
21 location, while greed is truly the only driving force  
22 for its creation. We realize that the Planning  
23 Commission is bound by the Borough Code of  
24 Ordinances -- pardon me -- okay.  
25 We realize that the Planning Commission

<p style="text-align: right;">Page 30</p> <p>1 is bound by the Borough Code of Ordinances in their 2 decision making process, and unfortunately these codes 3 are severely lacking and vague in some areas. The six 4 standards that the applicant must satisfy are pretty 5 skimpy, but that's what you guys have to live by for 6 now.</p> <p>7 In the case of this application, there's 8 no possible way that the applicant can meet those 9 standards due to the topography of the area surrounding 10 this proposed mine. No amount of berming or vegetated 11 buffer will meet the standards pertaining to minimizing 12 noise or visual impact on other properties and not 13 other homes, as Emmitt would like to say, as required 14 by the code because of the steep rise in elevation to 15 the north, the east, and the south of the proposed 16 mine.</p> <p>17 Our property is 500 feet south of the 18 proposed area and 75 feet above the existing floor. 19 From our property we have clear view and earshot of a 20 large percentage of the proposed site. If you look at 21 page 2 and 3 on that handout, it shows some not so good 22 pictures of what we look at out of our window. But you 23 can see where the proposed area would be down below us. 24 There is a lot of people that are much more impacted 25 than we are.</p>	<p style="text-align: right;">Page 32</p> <p>1 edge of Danver Street in the picture, okay. The road 2 he's standing on or the cleared area that he's standing 3 on is the access road to the pit, which would be to the 4 processing plant, which would be right in front of his 5 house.</p> <p>6 Rick walked in 50 feet on Emmitt's 7 property, and he trespassed probably. He is standing 8 there, he's almost six feet tall he claims, and he's 9 got a ten-foot two-by-six or something in his hand. 10 The trees behind him will all be lost to excavation, 11 they will be part of the pit. So what do you think 12 about the visual impact, the noise impact, and the dust 13 impact on Rick Oliver's house? Okay.</p> <p>14 One thing -- we just got here a few 15 minutes ago, Emmitt handed out a little handout and he 16 says, "In only three hours we did this. Only five 17 homes have been -- they have a limited view now." How 18 many homes do we have to destroy or decimate before we 19 say no to a gravel pit? Only five homes?</p> <p>20 And the truth of the matter is it doesn't 21 matter if it's 50 homes, it doesn't have anything to do 22 with homes, it has to do with properties. People that 23 own property up there are going to lose value, they are 24 impacted by the visual and the noise part of that 25 thing, and there's no way he can get around it because</p>
<p style="text-align: right;">Page 31</p> <p>1 Recently myself and a friend walked 2 through and talked with neighbors and actually looked 3 at the view from the area. On the first page of my 4 handout -- and you can see that one that has a bunch of 5 little red dots all over it -- okay, that crosshatched 6 area is the mine, proposed mine area.</p> <p>7 The red dots, when we walked through the 8 neighborhood and talked with neighbors and looked at 9 them -- and we didn't really just look at homes, 10 because the code doesn't say you can't impact homes, it 11 says you can't impact other properties.</p> <p>12 We counted -- on the red dots you can see 13 on this thing, we counted 22 homes and talked to those 14 people in most of those places, and they were impacted, 15 and they will have visual and noise impact because no 16 amount of berming can cover that up. You'd have to 17 build a 100-foot berm down there to block that view.</p> <p>18 Let's see. And in talking about this 19 berm thing again and the vegetated buffer, the picture 20 that we handed out to you -- and again, I'm a little 21 premature on that, but this one right here, this is my 22 neighbor Rick Oliver, he lives on Danver Street, he's 23 going to speak here in a few minutes, but you can see 24 the vegetated berm is that one tree to his left.</p> <p>25 Now Rick lives on Danver, you can see the</p>	<p style="text-align: right;">Page 33</p> <p>1 of the topography of that area. It's like being in an 2 amphitheater when you go there.</p> <p>3 The property, the proposed mine is in the 4 heart of a residential recreational gem, and we call it 5 Anchor Point. This property could, if properly 6 developed, could be a very desirable addition to the 7 community.</p> <p>8 <b>CHAIRMAN MARTIN:</b> That's five minutes. 9 <b>HANS BILBEN:</b> Okay. 10 <b>CHAIRMAN MARTIN:</b> Can you wrap up? 11 <b>HANS BILBEN:</b> I need about one more 12 second.</p> <p>13 <b>CHAIRMAN MARTIN:</b> Yep. 14 <b>HANS BILBEN:</b> It's the function of our 15 elected and appointed officials to represent and hold 16 up these ordinances and not merely to rubber stamp this 17 thing. This pit is at the wrong place and it has no 18 business even getting this far in the process.</p> <p>19 <b>CHAIRMAN MARTIN:</b> Any questions? None at 20 this time. Thank you. Yep, name and address for the 21 record.</p> <p>22 <b>PETE KINNEEN:</b> Name is Pete Kinneen, and 23 I live at 34969 Danver just behind Echo overlooking 24 this proposed mine. 25 And I'm here with a slightly different</p>

<p style="text-align: right;">Page 34</p> <p>1 take. I'm an Irishman and I'm as passionate as anyone 2 else is, however I'm going to put that aside, save you 3 from my passion, and strike strictly to the reasons 4 that you cannot approve this tonight. 5 It does not meet the conditions. And 6 the -- you know, the valid concerns about the safety of 7 the road, et cetera, et cetera are not within your 8 toolbox to use to make the decision. So just going on 9 the ordinances and the exact interpretation of them, I 10 don't think any of the conditions can be met. 11 In fact, if this were to be -- first of 12 all, this is not a permit of right. You do not have a 13 right to do it, you must come and ask permission, and 14 there's conditions. 15 And I'm going to suggest, because of the 16 uniqueness of this, if this were to be passed, there is 17 no other operation in the Kenai Peninsula Borough -- 18 you might as well just rip up the ordinance and say, 19 "Pshh, you can do anything you want." 20 But the way it stands right now in Title 21 21.29.050(A)(2)(a)(iie) says specifically, "Buffer 22 requirements shall be made in consideration of and in 23 accordance with existing use of neighboring property at 24 the time of approval of the permit." 25 "Shall" is a mandatory word, it is not</p>	<p style="text-align: right;">Page 36</p> <p>1 foot home, and everything behind it is part of this 2 proposed mine. 3 And there is -- I don't know, you can put 4 up six-foot or 12-foot fence, you can make the buffer 5 50 feet wide, 100 feet wide, 150 feet wide, it doesn't 6 matter. And so this is a unique situation all the way 7 around. 8 The stated intent, which is your guide, 9 is found in Title 21.29.040 and (A) clearly says 10 "intent". What is the intent? Is the intent just to 11 shovel out to anybody who comes in here and asks for a 12 gravel mine anywhere at any time? That's not what the 13 intent says. The intent says protect against six 14 different conditions, including dust, noise, and visual 15 impact. 16 So with all due respect, because of the 17 uniqueness of this area, if there's ever been a gravel 18 mine application that should be denied, this is it. 19 And I don't understand, I really do not understand how 20 a permit could be issued for this under these 21 ordinances and any interpretation of it. 22 So at my invitation, Bruce Wall came to 23 the house -- and again, all these photos were taken 24 from my living room or the deck -- and he and I stood 25 there and I said, "Here you go." And basically the</p>
<p style="text-align: right;">Page 35</p> <p>1 permissive. You must do this, you must keep this in 2 mind. The road and kids getting running over and all 3 that is real, but it's not what you are to use in your 4 decision, but "shall," that you will consider all of 5 us. 6 And the uniqueness of this is that if you 7 were in a helicopter flying up the coastline, you would 8 see tall bluffs for a mile after mile almost all the 9 way in from Homer and far north. 10 The exception is there's a little 11 amphitheater or bathtub that inundates right in here, 12 and that was caused by the outflow of the Anchor River. 13 And it's a small flat area surrounded by a bathtub, and 14 the noise comes in primarily from the water. 15 The atmospheric conditions of the body of 16 water right there play havoc with the sound. I mean, 17 sometimes you can hear any little thing and other times 18 you don't hear. But the noise cannot be minimized, 19 there's virtually nothing you can do. You can have all 20 the buffers you want. 21 And in the photos that I've included here 22 for your perusal, they were taken from my living room 23 inside the house and they look out over the tops of the 24 fully matured trees and they look out over -- you will 25 see just a corner of a blue roof, it's a 20-something</p>	<p style="text-align: right;">Page 37</p> <p>1 entire floor of this bathtub or amphitheater, except 2 for the estuary of Anchor River itself, virtually 3 everything else is in this proposed mine. And I said, 4 "Bruce, look, show me what you could do. I mean, we 5 are open for ideas, all of us." 6 And incidentally, there's a lot more than 7 five houses. I mean, that's just probably an 8 indication of the people who are proposing this. You 9 know, Hans found over 20 houses that are impacted by 10 this, I found more. So there's a lot of people 11 impacted. 12 And so anyway, I'm standing there with 13 Bruce and I said, "Here it is. I can see the entire 14 mine from left to right. And how can you protect us 15 per your ordinance -- 'you shall' -- and this is the 16 intent?" 17 And I think he was kidding around. He 18 just kind of jumped over here and said, "Well, you 19 know, I can't see it now." That was a tree that was 20 there in front of the house. 21 And incidentally because of the 22 atmospheric conditions right up to Echo Road does have 23 original, vibrant, verdant, green, mature spruce trees. 24 Past that and coming up the hill it doesn't, because 25 the ecosystem that comes in behind us is the uplands</p>

<p style="text-align: right;">Page 38</p> <p>1 boreal forest, and that's just been decimated by the 2 beetle kill. 3 <b>CHAIRMAN MARTIN:</b> It's been five minutes. 4 Could you -- 5 <b>PETE KINNEEN:</b> All right, I'll wind it up 6 here in just a second. I appreciate it, sir. 7 I'm open to questions. But again, all 8 you need is one condition not being met. And as I 9 challenged Bruce Wall -- very nice guy, gentleman, I 10 like him -- I said, "How can you follow the intent? 11 Please show us how you can do it." 12 And you just saw a picture from Hans, of 13 the guy right down on Danver, and I'm like way up 14 there, and Hans looks over my house. 15 So I guess we are open to ideas, but a 16 50-foot buffer along the road, parallel height isn't 17 going to do anything at all. What it is is we're 18 looking down on a box. 19 And the bad thing is normally on a flat 20 plane when you are going down the road, you put up the 21 fence, you know, about the height of eye level and that 22 works. This doesn't work. 23 <b>CHAIRMAN MARTIN:</b> Thank you. Are there 24 any questions? None at this time. Thanks for your 25 testimony.</p>	<p style="text-align: right;">Page 40</p> <p>1 more significant and additional information regarding 2 that water standards to be presented. 3 No. 3 addresses the minimization of dust 4 offsite areas. Due to the proposed placement of the 5 proposed -- of the processing equipment, any onshore 6 breeze will bring dust to my home directly across the 7 street. 8 No. 4 addresses the noise disturbance to 9 other properties. According -- excuse me. According 10 to the radii shown on the application, the processing 11 equipment is roughly set 300 feet from my front door. 12 I'm close to six feet -- well, kind of 13 close, used to be closer. I'm holding in this picture, 14 of which you guys now have a copy, is a ten-foot board 15 just to show you how a six-foot board would -- so you 16 could see how a six-foot berm will minimize the visual 17 impact, which is not at all. 18 Mrs. Trimble approached a neighbor of 19 mine after the informal meeting last Wednesday and 20 stated that she and her husband had walked the property 21 and said they could see only six houses. This does not 22 include other properties as addressed by the code that 23 could at some point be developed. This begs the 24 question as to just how many homes does the project 25 have to decimate in order to convince this body that it</p>
<p style="text-align: right;">Page 39</p> <p>1 <b>PETE KINNEEN:</b> Okay. Great. 2 <b>CHAIRMAN MARTIN:</b> Next testifier, please. 3 <b>RICK OLIVER:</b> Good evening. My name is 4 Rick Oliver. My address is 34880 Danver Street. Our 5 home is somewhat above and directly opposite the 6 proposed Danver Street -- I'm sorry, site on Danver 7 Street. The activity allowed by this application will 8 totally decimate the property value of our home as well 9 as the quality of life that we now enjoy. 10 We are most definitely not alone in this 11 regard. Obviously the standards set for the sand, 12 gravel, or material sites are said to protect -- again, 13 I'm saying the same thing everybody else has said -- 14 against aquifer disturbance, road damage, visible 15 damage to adjacent properties, dust, noise and visual 16 impact. 17 I can state unequivocally that the 18 proposed setbacks, berms, vegetation buffers, et 19 cetera, will not and cannot protect our homes from 20 this -- from these disturbances. 21 No. 1 of said standards addresses a 22 lowering of water sources serving other properties. 23 The existence of substantial lake just below my 24 property indicates that a major mining operation cannot 25 help but affect my water source. I'm told there's some</p>	<p style="text-align: right;">Page 41</p> <p>1 should not happen? 2 For the record, let it be known that my 3 family and I, along with the dozens of other families 4 residing in this area, vehemently oppose the granting 5 of this permit. 6 Enough said. Thank you. 7 <b>CHAIRMAN MARTIN:</b> Thank you. Any 8 questions? Next testifier, please. 9 <b>JEANNE BILBEN:</b> My name is Jeanne Bilben. 10 I'm the wife of Hans Bilben that just spoke. And I 11 won't take very long, I just have a few things to say. 12 With the papers that I've handed out is 13 just regarding some of the information that we 14 discovered. 15 We love this beautiful recreation area. 16 Some of us have bought and built homes here. We own 17 land here just as the permit owner owns lands, but we 18 are not digging a gravel pit in his front or back yard. 19 We are not against a gravel pit, but we 20 do not want them in our neighborhoods. You would think 21 we have just as many rights as a gravel pit. We pay 22 our taxes too. 23 This is called gravel pit -- this 24 so-called gravel pit will be disturbing the peace of 25 our beautiful area. We know once this permit is issued</p>

<p style="text-align: right;">Page 42</p> <p>1 it goes with the land, no matter who owns it, making it 2 even more valuable to the owner and making our property 3 values go down. 4 Not only is this a recreational area, 5 it's also a historic area. We have been in contact 6 with the State Historic Preservation Office and there 7 are documents like the ones that you have that there is 8 a highly potential historic archeological site and 9 that's the documents I have of historic graves, 10 possible cache pits, et cetera. 11 So I'm asking to stop this permit and 12 keep this area away from mining and gravel. The state 13 recreational area in Anchor Point is where people come 14 to see the beauty and the history of this part of the 15 world. Do you really want a gravel pit in this place 16 for them to see? 17 Please keep gravel pits away from our 18 neighborhoods, historical lands, and recreational 19 areas. That's all. Thank you. That's all we ask. 20 Thank you. 21 <b>CHAIRMAN MARTIN:</b> Thank you. Any 22 questions? 23 <b>JEANNE BILBEN:</b> Any questions? 24 <b>CHAIRMAN MARTIN:</b> None at this time. 25 Thank you.</p>	<p style="text-align: right;">Page 44</p> <p>1 you right now, whatever happens, I will write a letter 2 on this, because this is -- you know, this is what I 3 did, and I don't like picking up kids. 4 But even the gentleman who is trying do 5 this, I believe it was his daughter and grandson, they 6 were walking down there, and we were coming out with a 7 boat trying to go down to Homer and there was another 8 car coming the other way, and we had to stop, and she 9 had to push the kid off the side of the road. All 10 right. So I was there. 11 And I can tell you, usually when I face 12 12 people it's called a jury and I don't like that, so 13 I don't normally get up and do anything like this, but 14 this is really a serious problem. Okay. 15 Aside from the bridge is condemned, so we 16 really kind of left a bunch of people off. Well, they 17 have to turn right and go out seven or eight miles to 18 get back out to Seward Highway (sic). 19 <b>UNKNOWN SPEAKER:</b> Sterling. 20 <b>JIM REID:</b> The Old Seward (sic) -- 21 <b>UNKNOWN SPEAKER:</b> Sterling, Sterling. 22 <b>JIM REID:</b> Sterling, I mean. 23 That's like a snake. So we should have 24 included all of those people who live down that road 25 that want to get to look at them 5,000 trucks. That</p>
<p style="text-align: right;">Page 43</p> <p>1 <b>JEANNE BILBEN:</b> I dropped it again. I'm 2 old, I can't do this. 3 <b>JIM REID:</b> Hi. My name is Jim Reid. I'm 4 a retired paramedic, fire lieutenant, metro Dade, Miami 5 Dade, and my address is 73820 Seaward Avenue. 6 And my issue is the safety factor. Okay. 7 This is what I did for 30 years, and I can tell you 8 that that road that they are talking about, both roads, 9 when they come down off of that hill down Danver, if 10 you are coming down there in the winter time and a dump 11 truck -- and that gravel truck pulls out, you are not 12 stopping. Everybody in the neighborhood has complained 13 about it. I mean, there's just nothing you can do. It 14 gets iced over and you are going. That part. 15 The other part is there's kids, and 16 that's what I deal with, okay. And you've got four 17 parks there or five parks, but you got three of them 18 that them trucks have to pass with every load. And you 19 are talking five -- you're not talking a couple hundred 20 trucks a year, you're talking 5,000 trucks is what they 21 are talking about. 22 With the amount of aggregate they want to 23 take out of there, you are talking five -- ten yards a 24 truck, just figure it real quick, it's 5,000 trucks. 25 We're not -- this is not a little thing. And I'll tell</p>	<p style="text-align: right;">Page 45</p> <p>1 road is dangerous anyway. They run off that road for 2 whatever reason. 3 Okay, folks, thank you. 4 <b>MS. REID:</b> I want to say -- my name is 5 Susan Reid and I'm at 73820 -- where am I -- Seaward 6 Avenue. 7 We stand here with all of our friends and 8 our neighbors and our community to let you know that we 9 are really opposed to this and we object to the 10 applicant for all the reasons everybody has stated, 11 from bridge repair that's not going to hold their 12 weight, from the property value of us going down. I 13 assume if our property value does go down you would be 14 very happy to lower our taxes, I'm assuming that you do 15 that. 16 <b>JIM REID:</b> Yeah, I'm sure. 17 <b>SUSAN REID:</b> I'm assuming if you let him 18 have this -- if you let him have this permit you are 19 going to widen that road. Because right now it's not 20 wide enough, like Mr. Cullip said, for all of this 21 traffic. That's probably going to cost you a million 22 and a half to fix the road. 23 <b>JIM REID:</b> Well, right now all the dumps 24 trucks that are empty go right out across that bridge. 25 Well they just lowered from -- to 11 tons, which is</p>

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1 22,000 pounds. And an empty dump truck weighs how  
2 much -- he should know that right off hand -- about  
3 26-, 28,000 empty. So right off the bat they are not  
4 abiding by the law right now.  
5 **SUSAN REID:** It's a highly, highly  
6 congested --  
7 **JIM REID:** That bridge is very dangerous.  
8 **SUSAN REID:** -- residential area.  
9 **CHAIRMAN MARTIN:** Yeah, one at a time.  
10 We are almost done.  
11 **SUSAN REID:** Okay. It's a highly  
12 residential -- it's a highly residential area, and all  
13 of us as the residents just want you to understand  
14 we're not taking this -- we're taking it very harshly  
15 here. We don't want you to do it, we don't want you to  
16 pass the permit.  
17 I know he has a right to try to make  
18 money off of his land, that's why he bought it, but  
19 years ago we all bought in this beautiful neck of the  
20 woods because it was quiet, not a lot of noise. I'm  
21 hearing beeping backup noises right now. I don't care  
22 how much white noise stuff you put on these trucks, you  
23 are still going to have this.  
24 Thank you for listening to us and I hope  
25 we aren't too emotional about it.

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1 **CHAIRMAN MARTIN:** Thank you. Next  
2 testified, please.  
3 **DON HORTON:** Hi. My name is Don Horton,  
4 and I live on 34910 Echo Street, directly across the  
5 street from this proposed gravel pit.  
6 We bought this property 15 years ago for  
7 recreational purposes and maybe some day to build a  
8 house on it when I retire. A month ago I retired and I  
9 get -- a month later I get a letter stating that I'm  
10 going to have -- look at a gravel pit directly across.  
11 My only view is this field. I look across this field  
12 and I see Mt. Redoubt.  
13 So if you build a 12-foot berm, six-foot  
14 berm, eight-foot berm, I'm going to look at berm, a  
15 gravel pit, and then Mt. Redoubt, so that -- it's going  
16 to virtually ruin my property. I would never build on  
17 it now, it's -- not even with a consideration of this  
18 going in, never could I build on it. I could never  
19 even give the property away.  
20 I have three sons and a daughter that  
21 hopefully someday this -- and a grandson now --  
22 hopefully that someday this will be his property.  
23 Well, I'd hate to see you guys ruin my  
24 little slice of heaven. Thank you.  
25 **CHAIRMAN MARTIN:** Thank you.

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1 **EILEEN SHERIDAN:** There's no place to  
2 sign. Next page?  
3 **UNKNOWN SPEAKER:** Just carve your name in  
4 the wood there.  
5 **UNKNOWN SPEAKER:** Better save room for  
6 the rest of us.  
7 **EILEEN SHERIDAN:** Right here, if you will  
8 take that page, yeah.  
9 While she's changing that, I'm Eileen  
10 Sheridan, I am around a 50-year resident of Alaska.  
11 We've lived in -- we've lived in Juneau, Sitka,  
12 beautiful places.  
13 **CHAIRMAN MARTIN:** And your current  
14 address?  
15 **EILEEN SHERIDAN:** We've lived in Palmer.  
16 We now live in 34860 Seabury Court, Anchor Point.  
17 We're above this area. We're secondary families, we  
18 live right near these people right here.  
19 We understand the noise, because if  
20 you've ever been out there when the wind is going 125  
21 miles-an-hour, you can feel it whooshing up that river.  
22 You talked about the cliffs and it coming up, and  
23 definitely there's no way berms or vegetation like that  
24 is going to take away those noises.  
25 When they had that oil/gas people out

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1 there in the Bay making their sonogram things all  
2 summer long, that was distracting. This gravel pit  
3 will be distracting too.  
4 We put our retirement into this home.  
5 It's going to go down in value. There's no way -- even  
6 Emmitt has said at the meeting the other night that,  
7 yeah, a gravel pit would make the value of your  
8 property go down. We had hoped that our kids could  
9 enjoy this later in life also. We've worked hard to do  
10 what we are doing, and so we understand him wanting to  
11 do something too, but not a gravel pit that we have to  
12 live with.  
13 And the dust, I had terrible allergies up  
14 in the Valley. We moved down here, because every time  
15 we brought our boat down or our trailer down, my  
16 allergies were halfway better living right there by  
17 ocean instead of up in the hay fields. And even though  
18 it was beautiful up there, we retired down here.  
19 So for -- if you are looking at how it's  
20 going to be a noise area, minimizing the dust, we  
21 already get dust from our dirt roads that are up there.  
22 Right now our Seabury Court road is just  
23 mainly a trail, a road trail. We have to go up to  
24 Seaward or down Deesa -- they said it's Deesa Avenue  
25 now onto a dirt road.

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1 The trucks speed down that road and  
2 there's no other way, you know, except to go and pick  
3 up dust, so you get the extra dust from a gravel pit.  
4 We lived next to one when we were -- while we were  
5 building this home and I was very glad to get up on my  
6 peaceful house to look at Mt. Iliamna and out at Mt.  
7 Redoubt.  
8 And I realize that if he gets these  
9 permits that he has the right to sell and have maybe  
10 even a bigger gravel pit put in there.  
11 Lowering of water sources, we noticed  
12 that there was only one test hole shown and was  
13 wondering if there's any consideration of loss of  
14 vegetation and resulting water rises from this.  
15 There seems to be, looking at the maps,  
16 some wetlands in there. We watch as we go down Denver  
17 to the right just across from that property the ducks  
18 that come in, they have their babies, the moose have  
19 their babies down there. If you get that noise in from  
20 the gravel pit, those moose mothers, they get so  
21 disturbed. They could be leaving their babies too.  
22 **CHAIRMAN MARTIN:** That's five minutes.  
23 **EILEEN SHERIDAN:** Thank you.  
24 **CHAIRMAN MARTIN:** Any questions? None at  
25 this time. Thank you for your testimony.

1 Estimates. If you are going to fix that  
2 road to where it will handle these dump trucks -- and  
3 some of the trucks I see going up the North Fork weigh  
4 well in excess of 100,000 pounds. They are a tractor  
5 pulling two side dump trailers that haul 20 yards of  
6 rock a piece, and that's about 60,000 worth of rock per  
7 trailer plus the truck and the trailers.  
8 Guesstimates to fix that road to bring it  
9 up to par is in excess of \$2 million, because you get  
10 to rip it all up and rebuild it all, plus you've got to  
11 go in a do right-of-way work and achieve right-of-way  
12 to make the road wide enough.  
13 Over the lifespan of this pit, if the  
14 road isn't totally fixed in the beginning, you could  
15 spend \$6 million in maintenance maintaining that road  
16 for 15 years, and that's if the pit stops at 15. I  
17 don't know if the Kenai Borough has that kind of money  
18 laying around that they would want to put into that  
19 when all they are going to get is some mineral  
20 separation fees, which is not going to amount to very  
21 much money.  
22 So to me, I'm lucky enough to be far  
23 enough away from that that the dust and the noise, it  
24 will be minimal. The truck noise will be there. But  
25 by and large, the cost to the borough to maintain that

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1 **EILEEN SHERIDAN:** Pardon?  
2 **CHAIRMAN MARTIN:** Thank you. There's no  
3 questions.  
4 **EILEEN SHERIDAN:** Yes. I hope that you  
5 will reconsider and maybe think about looking at the  
6 new resolutions you're thinking about.  
7 **UNKNOWN SPEAKER:** There's two more spots  
8 there.  
9 **GERALD BLAIR:** Good evening. My name is  
10 Gerald Blair, I live at 73600 Twin Peaks Loop.  
11 Most of what I might have said this  
12 evening has already been said, probably far more  
13 eloquently than I would have, by prior speakers.  
14 But there is one issue that has not been  
15 covered, and that is not just the safety of that road,  
16 but the cost of that road. What I've been able to  
17 determine is that that road started life as a Cat trail  
18 that went from the Sterling Highway out to the beach,  
19 and that it was never engineered or properly built so  
20 it has no base.  
21 It doesn't have even enough right-of-way  
22 to be any wider than it is in spots, and that is barely  
23 wide enough. Two trucks could lose their mirrors if  
24 they are not careful because there's no way to get off  
25 the road, particularly with a loaded truck.

1 road or to rebuild that road, it's -- it would not be a  
2 business I would go into, because you would spend 2- or  
3 \$3 million and you'd get back almost nothing.  
4 That's all I have to say. Thank you.  
5 **CHAIRMAN MARTIN:** Thank you.  
6 **UNKNOWN SPEAKER:** Don't forget the  
7 bridge.  
8 **GERALD BLAIR:** Well, I think the bridge  
9 is going to be built anyway. I don't know that the  
10 gravel pit will have much to do with that.  
11 **CHAIRMAN MARTIN:** All right. Thank you.  
12 Next testifier, please.  
13 **BOB SHAVELSON:** Thank you. Again, my  
14 name is Bob Shavelson, I'm the Director of Advocacy for  
15 Cook Inletkeeper. And I'm hearing a lot of concerns  
16 from property owners around here, and it brings to mind  
17 the whole notion of private property, which is  
18 obviously vital to our economic system.  
19 But one of the central tenets of property  
20 rights is that you can do what you want on your own  
21 property, but you can't harm folks around you, okay,  
22 and that includes private property and that includes  
23 public property, and that's the issue that I'm here to  
24 talk about tonight is the public property and, again,  
25 the ground and the surface water resources.

<p style="text-align: right;">Page 54</p> <p>1 And when I look at the staff report and 2 the findings of fact, Finding of Fact 8C says, "You 3 shall keep two feet above the seasonal high water 4 mark." And again, I'm going to come back to the issue 5 that I raised the last time, but nothing in the 6 application says that the test hole was drilled and 7 monitored to ascertain the seasonal high water mark. 8 So how can you, as the Planning Commission, how can the 9 staff know what that level is? You cannot. 10 And so I would say that you can't approve 11 the permit if you want to abide by the ordinance. And 12 I'd say if you do, then it's just guess work, and we 13 shouldn't be gambling with the resources that we have 14 in the estuary of the Anchor River. 15 And I'll also go back and refer to the 16 scientist from the National Estuarine Research Reserve, 17 and they provided you with a groundwater flow that 18 shows that this parcel -- excuse me -- at least 19 partially flows to the Anchor River, and that water 20 plays a vital role in the life stage of various salmon. 21 And when I first thought about an 22 estuary, you know, I think I'm like a lot of people, I 23 think, well, salmon goes down and it goes through the 24 estuary, and then comes back and it goes through the 25 estuary again.</p>	<p style="text-align: right;">Page 56</p> <p>1 state law, that's our habitat protection law. We have 2 one law in the state that protects habitat protection. 3 It's one sentence long and it was adopted at statehood. 4 There's an effort now to revise that in a ballot 5 measure that's causing a lot of controversy. 6 But a lot of people feel that there's 7 this whole alphabet soup of laws and rules out there; 8 they don't protect our habitat. This is one of the 9 ways that you can. 10 And it reminds me of a book that some of 11 you might have read, it's called the King of Fish by a 12 professor named David Montgomery at the University of 13 Seattle, and he talks about the demise of salmon from 14 Europe to New England to the Pacific Northwest. 15 And the thing that you take from it is 16 that it wasn't just neglect that led to the loss of 17 these salmon runs across the world, it was knowing 18 neglect, okay. We knew what we were doing was wrong 19 and we did it anyway, and that's how I feel about these 20 permits that just continue to get rubber stamped 21 through this process. 22 And I'm coming to the end of my time, but 23 I'll just say I think a lot of you feel like your hands 24 are tied. There's this ordinance and it puts you in a 25 straight jacket and you can't do anything, but you have</p>
<p style="text-align: right;">Page 55</p> <p>1 It's a lot more complicated than that, 2 and we're just beginning to scratch the surface on this 3 complexity. 4 As I mentioned before, you know, our 5 ecology of these salmon systems is kind of like a 6 fabric, and when you start to pull at the threads of 7 that fabric it will unravel. So we've got to be really 8 careful here. 9 One of the things that really concerns 10 me, and when I looked at the ordinance it says you have 11 to comply with all these other environmental laws and 12 rules. And there's something that I call the myth of 13 rigorous permitting. 14 And the myth of rigorous permitting is 15 that there's this whole alphabet soup of local, state, 16 and federal laws and rules, and if you dot all the i's 17 and cross all the t's, then, viola, you are going to 18 have salmon habitat protection. 19 But I've been doing this for 25 years, 20 and I can tell you that that's not the case. You know, 21 we've got a 50-foot buffer on our salmon streams in the 22 Kenai Peninsula Borough. We know that Mayor Pierce is 23 now looking actively to revoke some or all of those 24 protections. 25 We have what's called Title 16 in our</p>	<p style="text-align: right;">Page 57</p> <p>1 enormous discretion. You have discretion that's given 2 to you by the borough. And if you look, and I provided 3 this in my written comments, but under Kenai Peninsula 4 Borough's 2.40.050 you have broad discretion to 5 investigate and make recommendations, including to the 6 assembly. 7 And so I sense that this is going to be 8 deferred to your August 13th meeting. I would 9 encourage you to ask the questions that need to 10 answered to do this right, because the mouth of the 11 Anchor River is a special place, it's why you have this 12 room packed tonight, and I think this body needs to 13 represent the public interest. 14 The private interest is always adequately 15 represented, the public interest needs to be 16 represented, and I feel like that's the job of the 17 Planning Commission. 18 Thank you very much. 19 <b>CHAIRMAN MARTIN:</b> Thank you. Any 20 questions? Next. 21 <b>ELDON OVERSON:</b> I'd like to apologize, I 22 didn't make enough copies of my picture, but that is 23 the view from my property from which I built a cabin 24 this winter. 25 I have a statement that I would like to</p>



<p style="text-align: right;">Page 58</p> <p>1 read, and then I have a few questions if that's all 2 right with the Committee. Is that acceptable? 3 <b>CHAIRMAN MARTIN:</b> Yes. 4 <b>ELDON OVERSON:</b> Okay. I would like to 5 thank you guys for hearing my thoughts on the proposed 6 Beachcomber gravel pit that is being submitted by 7 Emmitt and Mary Trimble in our community. 8 I will thank you even more after this 9 meeting if you reject the proposed land use permit that 10 will decimate my neighbors' and my view for the next 15 11 to 20 years. 12 I was at work on the Slope when I got the 13 e-mail for this planning meeting, and I flew today and 14 drove down from Anchorage just for today, and I have to 15 drive up and fly back up to work tomorrow. I say this 16 to show the importance that this proposed gravel pit 17 means to me and how much I do not wish it to go 18 forward. I feel that this is a very bad proposal and 19 deserved more of my time and effort. 20 I bought my lot on the corner of Denver 21 and Seaward about eight years ago, and it's the spot 22 that I would eventually build my dream home. I 23 started, like I stated, to build a cabin on the lot to 24 use for summertime camping this winter, and that 25 picture is of me standing on my loft from that cabin.</p>	<p style="text-align: right;">Page 60</p> <p>1 the enjoyment, the view, and the property values of the 2 same people that they sold the property to. 3 I find it very disrespectful that they 4 did not consider anybody but themselves and do not wish 5 to accurately describe what they want to use the 6 property for. I have heard from many of the neighbors 7 from the meeting that they attended that they said that 8 they only wanted to go down ten feet. The permit 9 states that they want to go down 18, and then apply 10 further in the future for going down even farther. So 11 I would like to hear him address those. 12 And also on the permit that it says that 13 this land was not intended for future subdivision, 14 which he also claims that that's why he's only going 15 down ten feet was to later subdivide the property, 16 which will also make all the septs in that area lower 17 to the water table. 18 The questions I have, I'll skip to those. 19 I would like to ask how could the borough 20 simultaneously tax me for my view while also approving 21 a big eyesore right in the middle of it? I know that 22 in Homer they've started to assess views on top of 23 property. So I was just wondering, will there be a 24 waiver granted for all of us that are being impacted by 25 this gravel pit, and if so, what's the loss revenue to</p>
<p style="text-align: right;">Page 59</p> <p>1 The red area that is marked is where the proposed 2 gravel pit will be. I'm approximately 65 feet above 3 the gravel pit, so I will be looking directly into it. 4 The view of Iliamna, the ocean, and the 5 river was the main reason for me purchasing my 6 property. And as the permit states, that -- the 7 six-foot high berm in the plan will offer little to no 8 relief from the visual impact of the gravel pit. This 9 is true for my lot, my neighbors', and many others. 10 I don't feel that they have offered any 11 mitigating factors to lowering our value of the 12 surrounding properties to increase his. 13 Noise is also another factor that will 14 keep me from using my property in the future as I 15 intended. The machinery that will be working in the 16 daytime hours will make me basically not want to be 17 there. There is no buffer between me and the gravel 18 pit, so I will have to hear the constant droning of the 19 processing of the sand and gravel for the next 15-plus 20 years. This was a very tranquil neighborhood and I 21 enjoyed hanging out there during the summer months. 22 In closing, I find it very disingenuous 23 and unethical that Emmitt and Mary Trimble have 24 profited from selling many of the lots in our 25 neighborhood, and now single handedly want to undermine</p>	<p style="text-align: right;">Page 61</p> <p>1 the borough? Does anybody want to speak to that? 2 <b>CHAIRMAN MARTIN:</b> This is your night to 3 speak. 4 <b>ELDON OVERSON:</b> All right. 5 <b>CHAIRMAN MARTIN:</b> If you could wrap it 6 up, you've had five minutes. 7 <b>ELDON OVERSON:</b> I thought if I requested 8 longer, I could have longer. 9 <b>CHAIRMAN MARTIN:</b> How much more are 10 you -- 11 <b>ELDON OVERSON:</b> I just have a few other 12 things. 13 <b>CHAIRMAN MARTIN:</b> Okay. 14 <b>ELDON OVERSON:</b> I won't -- I won't 15 mention the campgrounds, but it's already been 16 addressed, I think, better than I would have. 17 And then also there is some incorrect and 18 wrong statements on the permit concerning that there 19 were no wells within 100 feet of the property boundary. 20 There is -- I do believe the We Tie Fly has a well 21 within 100 feet, so that is inaccurate on the permit. 22 So I don't know how they can claim that there's no 23 wells within 100 feet of the property when there is. 24 And also -- I think that's all I had. 25 Thank you for your time.</p>

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1       **CHAIRMAN MARTIN:** Thank you. Any  
2 questions?  
3       **UNKNOWN SPEAKER:** Mr. Chairman.  
4       **CHAIRMAN MARTIN:** Yes.  
5       **UNKNOWN SPEAKER:** I apologize, I didn't  
6 get your name.  
7       **ELDON OVERSON:** Eldon Overson, and my  
8 address is 73976 Seaward Avenue.  
9       **CHAIRMAN MARTIN:** I'd like a show of  
10 hands of how many more we have left to testify. I'm  
11 going to declare a five-minute recess.  
12       (Recess - 10:07 p.m. - 10:15 p.m.)  
13       **CHAIRMAN MARTIN:** All right, we are ready  
14 to go.  
15       **PHIL BRNA:** My name is Phil Brna. I live  
16 at 5601 E. 98th Avenue in Anchorage, but I've spent a  
17 good part of spring, summers, and falls in Anchor Point  
18 for the last 41 years. I own a cabin on the Anchor  
19 River inside the state park, and I also have a piece of  
20 property that's surrounded by the proposed gravel pit.  
21       In the last 41 years I spent 21 years  
22 with the Alaska Department of Fish & Game as a habitat  
23 biologist, and 14 years with U.S. Fish & Wildlife  
24 Service. I'm retired from both. I have lots of  
25 experience with large development projects like Pebble

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1 Mine, Donlin Mine, Chulitna Mine to name a few. I was  
2 the Fish & Wildlife Service biologist on all of those.  
3       I just want to make an aside here that  
4 the science related to groundwater here and the other  
5 gravel permit is a total joke. I have worked with some  
6 of the best groundwater hydrologists in the country and  
7 in Canada, and it is pretty stunning how you are making  
8 decisions based on groundwater with no groundwater data  
9 other than one test hole that's dug who knows where.  
10       Anyway, as former governor Jay Hammond  
11 once said -- former governor Jay Hammond once said  
12 this is about Pebble Mine. "The only worse place for a  
13 mine would be in my back yard."  
14       Well, this proposed gravel pit is in my  
15 back yard. In fact, it surrounds my one-acre property  
16 on three sides. I'm the last lot on Beachcomber. I  
17 bought the property to build a small house when I fully  
18 retired, which I did two years ago, and this proposal  
19 will pretty much destroy my plans to do that, my wife  
20 and I, and it will destroy my property value. I'm not  
21 going to go on and on because most things have been  
22 said.  
23       In 2018, I think it is ludicrous to think  
24 that someone could develop a gravel pit in the middle  
25 of a residential area and one of the most heavily used

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1 recreational areas in Alaska. It's really unthinkable.  
2       As far as the noise, when the property  
3 was being cleared and when the other little gravel pit  
4 across the street was being built, from my cabin I  
5 could hear every truck backing up, I could hear every  
6 truck going down the -- down the road, I could hear  
7 Todd's tractors backing up. You can hear everything in  
8 that valley, and it's not going to be any better with a  
9 gravel pit.  
10       There's also archeological sites on my  
11 property, there's old cache pits, and probably at least  
12 one house pit. I walked the gravel pit property a long  
13 time ago, and there's a bunch of house pits and cache  
14 pits on that property as well.  
15       There's also an old wagon road that goes  
16 off the end of Beachcomber that was built in the 1920s,  
17 I believe, to get to an old homestead, and it goes  
18 across my property and it goes through the -- through  
19 the gravel pit.  
20       I've submitted written comments, I guess  
21 I have enough time to read them, but I won't. If you  
22 promise to read them, I won't read them.  
23       So I hope the Kenai Borough Planning  
24 Commission, or whatever you are, I'm not even sure,  
25 denies the proposal for this project because it's not

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1 good for Anchor Point, it's not good for the people  
2 that live there, it's not good for the people that come  
3 there to recreate.  
4       There are people from all over the world.  
5 I was fishing the Anchor River today, and I probably  
6 talked to 20 people from all over the world, and this  
7 is kind of not a good thing. Thank you.  
8       **CHAIRMAN MARTIN:** Thank you.  
9       **PHIL BRNA:** Questions?  
10       **CHAIRMAN MARTIN:** Do you have any  
11 questions? Not at this time.  
12       **LYNN WHITMORE:** My name is Lynn Whitmore.  
13 I live at 34680 Beachcomber Street. And the proposed  
14 project is literally in my back yard and is adjacent to  
15 my property.  
16       When I first -- when the applicant first  
17 bought the property he told me he was going to  
18 subdivide it and put homes back there. And I  
19 considered moving since I had that nice piece of the  
20 world to myself for a long time with just one neighbor.  
21       And when he told us it was going to be a  
22 gravel pit, then I went to the staff, and the staff  
23 said this pretty much flies through if he can meet  
24 those six conditions.  
25       And so everybody I talked to said, "Well,

<p style="text-align: right;">Page 66</p> <p>1 Lynn, it's just going to fly through." And it's a 2 frustrating thing to watch all these people speak 3 knowing that it's just going to fly through. So why 4 are you having this hearing? What is the purpose? 5 What do you gain out of that if he meets 6 those conditions and it flies through? So maybe that 7 wouldn't be the best way to approach this thing is tell 8 everybody it's just going to fly through. And I've 9 heard from the neighbors that they were told the same 10 thing. 11 So if there is a chance to consider their 12 feelings and what they are going to listen to and what 13 I'm going to hear and listen to and we can reduce or 14 stop that, that would be a great benefit to me. And I 15 feel like you guys have had enough time with everybody 16 talking here, so I'll keep it short. Thank you. 17 <b>CHAIRMAN MARTIN:</b> Thank you. 18 <b>JAMES GORMAN:</b> Good evening. My name is 19 James Gorman, I live at 73608 Twin Peaks Loop, Anchor 20 Point. I look right down on the beach road. The 21 things these people say, I see them every day. 22 I was a history major in college, maybe 23 you will appreciate this letter. This comes from the 24 Alaska State Historical Preservation Office: 25 In receipt of your request for</p>	<p style="text-align: right;">Page 68</p> <p>1 requiring licensing and permitting from the state to 2 comply with the Alaska Historic Preservation Act, AS 3 41.35.070. This also includes required reporting of 4 historic and archeological sites on lands covered under 5 contract with or licensed by the state or government 6 agency of the state. This would include any material 7 resources used under contract with the state. 8 And secondly, the National Historic 9 Preservation Act: If there is federal involvement, 10 financial assistance, permit, license, or approval with 11 the project, it is the statutory obligation of the lead 12 federal agency to comply with Section 106, 36 CFR-800 13 of the National Historic Preservation Act which 14 requires the federal agency to take into account the 15 effects that their undertaking may have on historic 16 properties. 17 Were either of those laws to apply, our 18 office would be likely to request that an 19 archaeological survey is conducted to verify the site 20 locations and assess the potential effects of the 21 project pursuant to the applicable historic 22 preservation law. 23 In addition, there are state laws 24 requiring the discovery and/or intentional disturbance 25 of human remains. This pertains to all lands in</p>
<p style="text-align: right;">Page 67</p> <p>1 information regarding known historical sites in the 2 area of a proposed gravel mine, upon review of the 3 Alaska Heritage Resource Survey database there are two 4 reported cultural resource sites in the area of the 5 proposed mine. 6 One I've referenced as SEL-00280, 7 prehistoric site reported to consist of two house pits. 8 Location is represented as a large polygon on the 9 site -- you can see that -- exact location of features 10 is unknown, but current projected boundaries are within 11 the proposed mining area. 12 Second one is SEL-00281, historic graves 13 and possible cache pits reported to consist of five 14 graves that at one time had grave markers. 15 Depressions, tentatively described as cache pits, were 16 reported north of the graves. Location is represented 17 as a large polygon. Exact location of features is 18 unknown, but current projected boundaries are within 19 the proposed mining area. 20 In Alaska, there are two historical 21 perseveration laws that may apply unless the project is 22 entirely private in nature. 23 The first one is the Alaska Historic 24 Preservation Act: State law requires all public 25 construction or improvement activities conducted by or</p>	<p style="text-align: right;">Page 69</p> <p>1 Alaska, including private. I have attached our handout 2 regarding human remains. 3 Due to the lack of clear information 4 regarding the site locations, our office strongly 5 encourages the use of a qualified cultural resource 6 professional to verify the site. 7 Questions? I'll leave you a copy of this 8 if you'd like. 9 <b>CHAIRMAN MARTIN:</b> Any questions? 10 <b>UNKNOWN SPEAKER:</b> We got it. 11 <b>JAMES GORMAN:</b> You've got a copy. 12 <b>CHAIRMAN MARTIN:</b> Thank you. 13 <b>JAMES GORMAN:</b> Oh, and one more thing. 14 According to the recently retired chief ranger of the 15 park system, the park owns both sides of the beach road 16 and they will not permit a widening of that road. 17 Thank you. 18 <b>CHAIRMAN MARTIN:</b> Next testifier. 19 <b>XOCHITL LOPEZ-AYALA:</b> Hello, my name is 20 Xochitl Lopez Ayala. I currently reside in Homer, but 21 my family owns the property directly across from this 22 proposed gravel mine at 34910 Echo. 23 It is on the corner of Danver and Echo, 24 so right literally standing at the edge of our property 25 we will look up to a berm. We will actually submit a</p>

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1 picture for you so you can see what our proposed view  
2 will look like here if this goes through.  
3 I did want to bring up to you all that --  
4 I want you to see that everyone here drove from Anchor  
5 Point or Homer or Anchorage, and we want you to make  
6 that same commitment that we are here to commit to you.  
7 And, you know, since this is proposed to  
8 be shelved, is drive down to Anchor Point, drive down  
9 to that road, look at this site, because you will see  
10 what we are all so passionate about.  
11 And I want you all to know that although  
12 all this negative talk about this, it's actually been  
13 really great in terms of the community. I've gotten to  
14 know people that I didn't get to know before, and we've  
15 all really kind of grouped together and found one  
16 common thing that we all love and that's Anchor Point.  
17 That's why we go there.  
18 And this mine, which is should be  
19 described as a mine, not a pit, a mine, is not good for  
20 us, it's not good for Anchor Point. And you just have  
21 a lot of passion in this room and we want you to  
22 recognize that.  
23 And I know you guys are glossing over,  
24 it's getting late. So, you know, thank you for staying  
25 here. But there's tons of people who want to talk and

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1 want you to hear their testimony, so please read over  
2 our information that we are trying to send you and  
3 understand that, you know, it's -- do what's right for  
4 the public, not necessarily a private owner, because  
5 it's affecting all of us.  
6 And I also wanted you to realize that --  
7 don't you think it's kind of odd that there's a lot of  
8 gravel pits and mine proposals going up now that  
9 this -- now that this ordinance has been pushed back a  
10 year? I mean, you approved two earlier today, and now  
11 a third. Like, how many more are you going to see?  
12 Obviously, that's a lot of red flags that  
13 you should see that if people are doing this, obviously  
14 they are trying to skirt something or get past  
15 something, and really look into why they are trying to  
16 do this. Are they trying to sell to a corporation up  
17 in Anchorage? Are they trying to sell to an  
18 out-of-state investor?  
19 You know, why -- why don't we just keep  
20 what we love, and why we moved down here, why we moved  
21 to the Peninsula.  
22 My husband and I just relocated here from  
23 Juneau, and now I get to look at a fricken mine and a  
24 berm. So, yeah, I'm kind of disappointed in that.  
25 So, you know, thank you all. And, you

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1 know, thank you all, everybody, for coming here, even  
2 Emmitt and his family. You know, it's hard -- it's  
3 hard on all of us, a lot of tears, a lot of anger, and  
4 it really means a lot to us. So thank you.  
5 **CHAIRMAN MARTIN:** Thank you.  
6 **BRUCE WALL:** Mr. Chairman. Ma'am, could  
7 I get you to do me a favor and put your name and your  
8 address on the sign-up sheet?  
9 **XOCHITL LOPEZ-AYALA:** Oh, sure.  
10 **BRUCE WALL:** Thank you.  
11 **CHAIRMAN MARTIN:** Who is next?  
12 **JOSH ELMALEH:** Hi. My name is Josh  
13 Elmaleh, I own the property 34885 Seabury Court. My  
14 wife and I looked over many properties over the last  
15 couple of years, and we purchased our place a year ago,  
16 overlooking several -- probably half a dozen to a dozen  
17 houses that were beautiful houses, beautiful land, but  
18 they were really close, within earshot of a gravel pit.  
19 And we strongly oppose it.  
20 My first king salmon I caught in the  
21 Anchor River probably half a dozen years ago, and I  
22 want that same thing for my four-month-old son, I want  
23 that same thing for my six-year-old daughter. I want  
24 them to be able to enjoy the things that I got to  
25 enjoy. It is a piece of heaven. And I'm terrified to

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1 talk up here, so I'm done.  
2 **CHAIRMAN MARTIN:** Any questions? Thank  
3 you. Who is next? I think we've heard from you --  
4 **UNKNOWN SPEAKER:** Am I permitted to talk  
5 for another minute?  
6 **CHAIRMAN MARTIN:** No, we are going to run  
7 out of time. Everybody -- we need everybody to be as  
8 quick -- as punctual as possible.  
9 **UNKNOWN SPEAKER:** All right. I just  
10 wanted you to know that sound travels up and the wind  
11 blows it the other way.  
12 **LAUREN ISENHOUR:** Hello. My name is  
13 Lauren Isenhour, I own -- I live at 34737 Beachcomber  
14 Street, which is three acres that borders this  
15 property. Mary and Emmitt are my parents.  
16 I understand everyone's concerns and I  
17 respect everyone's opinion in here. This is my back  
18 yard too, so I definitely understand the concern.  
19 And I understand the scope of what the  
20 permit allows is a lot, and I certainly understand and  
21 respect everyone's concerns.  
22 My husband and I live there for all the  
23 same reasons that everyone else in this room has chosen  
24 to live in Anchor Point. We recreate, we walk on that  
25 road, we go to the beach, we do all those things too

<p style="text-align: right;">Page 74</p> <p>1 and love it there.</p> <p>2 I was born there and grew up in Anchor</p> <p>3 Point. My parents have been in Anchor Point for 40</p> <p>4 years and have made a living in real estate by</p> <p>5 developing and improving land. And they have -- I'm</p> <p>6 sure everyone in the room will scoff at it, but they</p> <p>7 have a great reputation of improving land.</p> <p>8 <b>UNKNOWN SPEAKER:</b> (Indiscernible).</p> <p>9 <b>LARUEN ISENHOUR:</b> I feel I'm respectful</p> <p>10 to others' opinions, so I'd appreciate the same.</p> <p>11 They have made a living for 40 years</p> <p>12 improving land and selling it and caring for the land,</p> <p>13 and they are very meticulous in how they care for</p> <p>14 things. And everyone here can see that because they</p> <p>15 look out at this beautiful property that my parents --</p> <p>16 they bought it and then they invested \$60,000 into</p> <p>17 improving it by clearing all the stumps, burning the</p> <p>18 burn piles, and they mow it and care for this property,</p> <p>19 because that's how they care for land. And they've</p> <p>20 done it for a long time.</p> <p>21 They have other subdivisions that they've</p> <p>22 developed in Anchor Point that are on solid gravel, and</p> <p>23 they chose not to develop that to a gravel pit. They</p> <p>24 are land developers, not pit developers. And as</p> <p>25 someone mentioned, they don't have equipment, they</p>	<p style="text-align: right;">Page 76</p> <p>1 parents' ability to develop land in such a strategic</p> <p>2 and thoughtful way that there is a way with the</p> <p>3 regulations that the borough sets to excavate some</p> <p>4 gravel and reclaim it.</p> <p>5 And unlike some other pit developers, and</p> <p>6 like Mr. Walt who came and presented earlier, who</p> <p>7 that's what they do and they have equipment and they</p> <p>8 are -- immediately when they get the permit they are</p> <p>9 going to go and use the permit and use the gravel.</p> <p>10 My parents' primary interest in that</p> <p>11 property is the property, and other land developers it</p> <p>12 wouldn't. Their primary interest in a pit -- or a</p> <p>13 property with that much financial gain in it would be</p> <p>14 the resource below the property, but my parents'</p> <p>15 primary interest there is the property itself.</p> <p>16 I understand they are requesting for a</p> <p>17 permit with a large scope and that it could be a gravel</p> <p>18 pit. I live right there too. My parents would like to</p> <p>19 build a house down on the property.</p> <p>20 And again, everyone in this room will</p> <p>21 scoff at it, but as real estate professionals, it's in</p> <p>22 their best interest, and they fought for a long time to</p> <p>23 help maintain property and home values in Anchor Point,</p> <p>24 and they have roots in the community.</p> <p>25 And not just because I live there,</p>
<p style="text-align: right;">Page 75</p> <p>1 don't have a plan for operating procedures as people</p> <p>2 have been asking detailed information about that, and</p> <p>3 they don't have that. And I understand the scope of</p> <p>4 the permit and the concerns.</p> <p>5 There is obviously a benefit to gravel,</p> <p>6 and everyone in that community has benefitted by the</p> <p>7 road development in that subdivision. All the</p> <p>8 subdivisions back in there, all their driveways and</p> <p>9 their foundations have all been built with gravel, and</p> <p>10 the majority of it from a previous pit right there off</p> <p>11 Denver that's been reclaimed and subdivided and sold</p> <p>12 and now homes are on that.</p> <p>13 And there is a way, a balance. There is</p> <p>14 a need for gravel, and in Anchor Point, above others,</p> <p>15 gravel is a main cornerstone to the infrastructure of</p> <p>16 Anchor Point and the families that are employed by road</p> <p>17 construction, by building residential construction, by</p> <p>18 equipment operating. There's a lot of families that</p> <p>19 are not represented here who are -- I respect and</p> <p>20 understand everyone's concerns here, and they do</p> <p>21 represent a portion of Anchor Point for sure, but there</p> <p>22 is another portion of Anchor Point that is fine with</p> <p>23 pit development and understands the balance of it, and</p> <p>24 that's why there are the regulations, too.</p> <p>25 We do need some gravel. I respect my</p>	<p style="text-align: right;">Page 77</p> <p>1 they've lived there and invested interest maintaining a</p> <p>2 quality of life in Anchor Point. Their first home in</p> <p>3 the area in the '70s was on Beach Access Road when it</p> <p>4 was a dirt trail, and they operated a tackle shop right</p> <p>5 there.</p> <p>6 They've had an invested interest in this</p> <p>7 area for many decades, and they've managed to develop</p> <p>8 land and provide a living for them and their family in</p> <p>9 this small area and done so with great care for</p> <p>10 property and for land. And something they've instilled</p> <p>11 in myself and my sister is care for the land.</p> <p>12 And I can -- I can understand the</p> <p>13 concerns in this room about the scope of the permit and</p> <p>14 what could potentially happen there.</p> <p>15 <b>CHAIRMAN MARTIN:</b> Can you -- can you</p> <p>16 summarize?</p> <p>17 <b>LAUREN ISENHOUR:</b> Oh, sure.</p> <p>18 <b>CHAIRMAN MARTIN:</b> Kind of wrap up.</p> <p>19 <b>LAUREN ISENHOUR:</b> I was just, I guess,</p> <p>20 looking at the time, not the amount left.</p> <p>21 Yes. I just wanted to, I guess, say I</p> <p>22 understand the concerns. It's my area too. And I have</p> <p>23 a lot of respect for my parents and how they care for</p> <p>24 the land.</p> <p>25 Some previous speakers, Lynn Whitmore has</p>

<p style="text-align: right;">Page 78</p> <p>1 been a good friend of my parents for a long time, and 2 also Phil, who has the property next door, neither 3 chose to mention that my parents voluntarily built a 4 14-foot berm along their property at their own cost, 5 they believe at \$10,000 worth of cost, voluntarily 6 built a large berm there to try to protect them when 7 they weren't required to do so. They are the type of 8 people to do those things. Thank you. 9 <b>CHAIRMAN MARTIN:</b> Thank you. Any 10 questions? Next. Oh, we had one -- we had a question. 11 I'm sorry, we did -- there was a question after all. 12 <b>COMMISSIONER CARLUCCIO:</b> So my question 13 is are you saying that your parents don't have any 14 plans to develop this right now, that they just want to 15 get this gravel pit on the books? 16 <b>LAUREN ISENHOUR:</b> I can't really say. I 17 can speculate at what I think their plans are. And I 18 can say their primary plan for the property is to own 19 it, and what they want above all else is to own the 20 property in its entirety. 21 They have plans to subdivide it, a plat, 22 a plan, but that doesn't mean they will enact that 23 plan. And they would like the permit to potentially do 24 a gravel pit. This is my opinion of theirs, so 25 please --</p>	<p style="text-align: right;">Page 80</p> <p>1 A few things that have kind of come up I 2 just kind of want to point to is that Anchor River Road 3 is state owned and maintained, not borough owned. So 4 requirement -- you know, DOT enforces, requires the 5 gross vehicle weight measure on the bridge, which is 6 actually on Old Sterling, speed, proper use of lane, 7 shoulders, the health and use of the road, and it 8 really doesn't apply to the borough CLUP permitting 9 process. 10 Some other things that have come up 11 tonight were questions about wells being within -- 12 within -- one well being within 100 feet of -- yes, 13 within the property, but not within the extraction 14 area, the proposed extraction area. So there's fine 15 points about the permit that always need to be read 16 that sometimes isn't interpreted well during public 17 meetings. And so I hope that you -- that as you always 18 do your due diligence, read the fine points, and read 19 the -- read the notes in the permit. 20 Gravel extraction for a material site is 21 always based on -- is usually based on a prospective 22 sales as is -- it is with this site. This site isn't 23 being permitted for a DOT project like we see sometimes 24 or a commercial development. So the amount of material 25 to be utilized is just a prospective. That's why it</p>
<p style="text-align: right;">Page 79</p> <p>1 <b>COMMISSIONER CARLUCCIO:</b> Okay. Okay. 2 That's all right. Thank you. 3 <b>LAUREN ISENHOUR:</b> Okay. 4 <b>COMMISSIONER FIKES:</b> I have a question. 5 <b>CHAIRMAN MARTIN:</b> Yes. 6 <b>COMMISSIONER FIKES:</b> You say you are near 7 the location of the actual mining itself. What kind of 8 impact on your personal water well? How close is your 9 well to the site? 10 <b>LAUREN ISENHOUR:</b> I don't know. You 11 could look on the map. I guess it probably shows in 12 the development where my well is in relation. I 13 couldn't tell you, I'm sorry. 14 <b>CHAIRMAN MARTIN:</b> Any other questions? 15 All right. Thanks. Next, please. Is anyone else in 16 the audience wishing to testify? 17 <b>GINA DEBARDELABEN:</b> This is my third 18 time. My name is Gina DeBardelaben, I'm with McLane 19 Consulting. I'm a principal engineer with McLane, and 20 I was hired by the property owner -- my firm was hired 21 by the property owner to survey the property and 22 prepare the permit and exhibits and application. 23 Just a few points really quick. We've 24 been through a lot. You've had a plethora of public 25 comments and a packet to read.</p>	<p style="text-align: right;">Page 81</p> <p>1 says, you know, less than 50,000 cubic yards. 2 That number is one that we kind of always 3 choose based on the area. And DNR permitting changes 4 with greater than and less than 50,000 yards. The 5 reality of 50,000 cubic yards coming out of this 6 material site in a year is -- is not very realistic. 7 You know, a large gravel sale in a rural 8 area like this would be 10,000 yards or maybe 25,000 9 yards. And, you know, that would equate to -- it's a 10 lot still. It would equate to less than 1,500 yards -- 11 1,500 trucks, not 5,000 trucks. 12 You know, if you are going to sell -- if 13 you are going to sell a large amount of material you 14 are not going to run it in a 10-yard end dump. You are 15 going to be running a side dump or a belly dump, which 16 is 17 yards, it separates out your weight on your axle 17 load and such. 18 So other test hole information, there was 19 one test hole at the time of application. There has 20 been additional since then. And as with -- as I 21 continue to point out at material site hearings is that 22 as a developer or an operator enters a pit, they 23 continually test hole for groundwater and for different 24 materials that meet specification for whatever they are 25 trying to sell, whatever they are trying to make.</p>

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1 All roads have a specification that the  
2 material has to meet, and maybe, you know, 200 feet  
3 over here it meets it, but over here it doesn't, so  
4 they are going to test hole, they are going to move  
5 around and will constantly be checking, you know,  
6 groundwater if it varies.  
7 The whole requirement is that you stay  
8 two feet above it, so that's -- you know, it's not that  
9 it's at 20 feet, it's two feet above.  
10 I think I just have just a couple of  
11 other little notes here. Yes, the owner has in their  
12 permit that they plan on installing monitor wells for  
13 potentially -- potentially a different permit, but, you  
14 know, that's again, that's prospective. They do want  
15 to put -- putting in monitor wells on a material site  
16 is a great benefit to the owner and also to the  
17 borough.  
18 It gives you some comprehensive data on a  
19 quarterly basis or a monthly basis of where the  
20 groundwater is at. So they do -- they are proposing  
21 that they might do that in the future even though this  
22 permit isn't to enter the groundwater table.  
23 There's other concerns regarding site  
24 buffers and such, we've heard lots of those.  
25 Do you guys have any questions for me at

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1 this time?  
2 **CHAIRMAN MARTIN:** Any questions? None at  
3 this time.  
4 **GINA DEBARDELABEN:** Okay. Thanks.  
5 **UNKNOWN SPEAKER:** I have a question.  
6 **CHAIRMAN MARTIN:** Who is the next  
7 testifier?  
8 **UNKNOWN SPEAKER:** I have a question.  
9 **CHAIRMAN MARTIN:** You've had your chance.  
10 You've had your five minutes. We are trying to get --  
11 make sure everybody gets at least five minutes.  
12 **UNKNOWN SPEAKER:** I heard something I  
13 don't like. Don't I get a right to ask a question?  
14 No? Yeah, that (indiscernible).  
15 **EMMITT TRIMBLE:** I'm Emmitt Trimble,  
16 managing member of the Beachcomber, LLC and the  
17 principal applicant.  
18 Just as I did in Anchor Point voluntarily  
19 last Wednesday opening myself for some questions and  
20 anything that you would like clarified.  
21 There were a number of things here that  
22 could be clarified tonight, but most of them were not  
23 pertinent any way to what you will be deliberating on,  
24 so I'm not going to try to counter those things. But  
25 if you have questions for me, I'm here.

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1 **CHAIRMAN MARTIN:** Mr. Ruffner.  
2 **COMMISSIONER RUFFNER:** Thank you, Mr.  
3 Chairman.  
4 Mr. Trimble, so we heard at the beginning  
5 the staff report that their recommendation was, given  
6 the volume of information that's come in recently, some  
7 of it is kind of technical and science in nature, their  
8 recommendation was to postpone this or put it off at  
9 least until the August meeting.  
10 So, you know, I hoping that you are in  
11 concurrence with that so that -- I mean, it's a  
12 complicated thing that we want to chew on a little bit.  
13 So I just kind of wanted to ask what your thought on  
14 that were.  
15 **EMMITT TRIMBLE:** I have no problem with  
16 that at all.  
17 **UNKNOWN SPEAKER:** Mr. Trimble, I have a  
18 question.  
19 **CHAIRMAN MARTIN:** This is -- we have  
20 certain steps that we do. No, sir, we're not in that  
21 part of the meeting.  
22 **COMMISSIONER RUFFNER:** So I'll follow up,  
23 because there's a couple of people that still have  
24 stuff they want to want to say.  
25 **EMMITT TRIMBLE:** Sure.

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1 **COMMISSIONER RUFFNER:** I get that. And I  
2 guess what I would say is that, given that the staff's  
3 recommendation is for us to postpone this, and even the  
4 applicant himself said he's willing to put this off for  
5 a month, so that's going to give you a chance to ask  
6 those questions that you have of staff or of us, you  
7 know. I just wanted to put that out there for you.  
8 **CHAIRMAN MARTIN:** Thank you, that was  
9 really helpful.  
10 **EMMITT TRIMBLE:** I will offer that, you  
11 know, I sent some pictures to Mr. Wall over the  
12 weekend, and I did say in about three hours we put up a  
13 pretty extensive berm, just mostly as a demonstration  
14 as to what could be done blocking those homes.  
15 There's about five homes that have any  
16 way to see into any of the property, and, you know, I  
17 could not see any of -- from the pit itself, not the  
18 floor of the pit, but the top level of excavation, I  
19 couldn't see any of those homes. That can be  
20 replicated moving back.  
21 I don't -- I'm not in the gravel  
22 business, but it is part of the asset value of this  
23 property, and it's incumbent upon me to protect my  
24 family and our investment to maximize that possible  
25 value.

<p style="text-align: right;">Page 86</p> <p>1 Now, what I would like to do really is my 2 own business, my family's business as to what we would 3 like to do. I have a subdivision plan, but I have no 4 intention of submitting it for preliminary approval, 5 it's just I want to know that I've done my homework 6 ahead of time. 7 And it's the same way, we've taken a -- 8 we took a few loads of gravel out of that pit of less 9 than an acre to take to -- down to the boat launch to 10 put the ramp in. We took some more down to expand a 11 parking lot, and that's the kind of thing that's 12 happening. But I do intend to pursue this for the 13 entire property that we permitted -- or we're applying 14 for. 15 <b>CHAIRMAN MARTIN:</b> Any questions for the 16 applicant? Ms. Carluccio. 17 <b>COMMISSIONER CARLUCCIO:</b> Yes, thank you 18 for testifying. I think it was your daughter who spoke 19 before -- 20 <b>EMMITT TRIMBLE:</b> Yes, ma'am. Quite proud 21 of her. 22 <b>COMMISSIONER CARLUCCIO:</b> -- that I asked 23 what -- so you right now have no intentions to develop 24 this as a gravel pit? You just want to get it on the 25 books?</p>	<p style="text-align: right;">Page 88</p> <p>1 and I've owned property there since then, there was a 2 small half-acre pit that Ralph Miller had. And Buzz 3 Kyllonen bought from him, developed all the 4 surrounding -- paid for the Silver King Village, all of 5 the subdivisions from that gravel pit, and it's now a 6 lake and it's very nice. We have it listed for sale. 7 <b>COMMISSIONER CARLUCCIO:</b> Okay. Thank 8 you. 9 <b>EMMITT TRIMBLE:</b> Thank you. 10 <b>CHAIRMAN MARTIN:</b> Any other questions for 11 the applicant? Mr. Venuti. 12 <b>COMMISSIONER VENUTI:</b> Thanks for coming, 13 Mr. Trimble. 14 <b>EMMITT TRIMBLE:</b> Yes, sir. 15 <b>COMMISSIONER VENUTI:</b> So you heard 16 concern from the people who testified -- 17 <b>EMMITT TRIMBLE:</b> Sure. 18 <b>COMMISSIONER VENUTI:</b> -- about the hazards 19 of trucks on the road, on the haul road, and also there 20 was a mention of the condition of the bridge that goes 21 over the Anchor River. 22 I would presume that any haul road out of 23 your pit, if this comes to be a pit, would go over that 24 bridge. Is that going to -- 25 <b>EMMITT TRIMBLE:</b> Well, that's not</p>
<p style="text-align: right;">Page 87</p> <p>1 <b>EMMITT TRIMBLE:</b> I've already started 2 developing a small pit that was within the one-acre 3 confines. So I want to go through this procedure, 4 submit myself to the process, live up to the permit if 5 and when I get it, and I would be able to do whatever 6 the permit allowed at that time. 7 My plan is pretty small scale. It's for 8 local projects. All of those homes, all of these 9 people have those properties because Buzz Kyllonen took 10 a small, like less than two-acre pit that built all of 11 those roads and built all of those driveways and 12 provided the gravel for almost all of those people up 13 there or those properties wouldn't be there now to be 14 concerned. And it's now one of the nicest looking 15 properties in the area. It's directly across the road 16 from mine. 17 <b>COMMISSIONER CARLUCCIO:</b> So I'm sorry, it 18 doesn't really pertain. I was going to ask you if that 19 property was originally yours and you subdivided it, 20 but that doesn't -- 21 <b>EMMITT TRIMBLE:</b> Which one? 22 <b>COMMISSIONER CARLUCCIO:</b> That really 23 doesn't pertain to what we're talking about, so... 24 <b>EMMITT TRIMBLE:</b> No, the other property, 25 that was -- that was in 1975 when I first came there,</p>	<p style="text-align: right;">Page 89</p> <p>1 possible now. It's been condemned, so that's why 2 people are having to drive from the North Fork Road all 3 the way to Eight Mile and back down the Old Sterling to 4 go down and bring gravel down to the beach. You can't 5 go across the bridge now. But they are going to 6 rebuild that within a year or two here. 7 <b>COMMISSIONER VENUTI:</b> Okay. That was a 8 concern. 9 <b>EMMITT TRIMBLE:</b> Yeah, and there are 10 trucks -- there are gravel trucks going up and down 11 Danver all the time right now. And, you know, I have 12 no complaint about those big boats going up and down 13 that road. 14 Buzz Kyllonen and I got that road paved 15 through a maintenance budget with DOT for \$150,000 16 because we gave them permission to go through our 17 properties where there's not a right-of-way to this 18 day. 19 So those people that are worried about 20 that road, we would have loved to have had them there 21 by our side helping us back then. 22 <b>COMMISSIONER VENUTI:</b> Thank you very 23 much. 24 <b>EMMITT TRIMBLE:</b> You bet. 25 <b>CHAIRMAN MARTIN:</b> Anyone else?</p>



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1           **EMMITT TRIMBLE:** Thank you.  
2           **CHAIRMAN MARTIN:** Not at this time.  
3 Thank you.  
4           Is there anyone else in the audience  
5 wishing to testify? Please.  
6           **DON HORTON:** Hi. My name is Don Horton,  
7 my family owns property at 34910 Echo. Like my father  
8 said, it is directly across the street from that  
9 proposed gravel pit.  
10          I just had a couple of quick questions  
11 for, I guess, you guys. If a permit is issued for this  
12 property, is it attached to the property or is it  
13 attached to the owners of the property? Like, if it is  
14 sold, does the permit stay with it?  
15          **CHAIRMAN MARTIN:** With the property.  
16          **DON HORTON:** With the property, okay,  
17 that's what I thought.  
18          The Trimbles, they spoke on -- the last  
19 guy that spoke, he just spoke that he wants to maximize  
20 the property value of his property that he owns by  
21 applying for this permit while it is at the expense of  
22 everyone's property around it, I want everyone to  
23 realize that. I don't think that's right.  
24          That's mainly what I wanted to ask.  
25 Thank you for your time.

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1           **CHAIRMAN MARTIN:** Next. Did we get your  
2 name and address?  
3           **DON HORTON:** No pen.  
4           **CHAIRMAN MARTIN:** Is there anyone else?  
5 Please.  
6           **RICHARD CARLTON:** I am a retired lineman.  
7 I fell in love with the Anchor Point River area in 1996  
8 and started coming up here pretty regularly. The wife  
9 and I purchased a piece of ground in 2007, it's 73500  
10 Seabury Road. We go up Danver to Seaward and then take  
11 a right and go to our house.  
12          It's kind of an emotional thing for me,  
13 because I fell in love with the place and the lack of  
14 noise. You know, these people talk about machinery and  
15 things like that.  
16          I had 40 years with backup alarms and  
17 backhoes, you know, and noise. And I go up there and I  
18 can sit on my patio and look out at Iliamna and drink  
19 my coffee and I'm in heaven. It's a wonderful thing.  
20          I've got wonderful neighbors that all  
21 give a shit about one another. And if they need  
22 something, they help each other. And if they are  
23 making too much noise, they say something and you quiet  
24 down. It's a great, great life.  
25          I don't know why it matters who owns the

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1 road that goes to the beach. The bridge is condemned,  
2 the Old Sterling Highway is a hazard, and if you take  
3 just a 10-yard, 12-yard dump truck by itself and drive  
4 it up and down that road with its Jake brakes, that  
5 quiet goes away.  
6          There is all these RV parks. Buzz  
7 Kyllonen's RV Park was where we fell in love with the  
8 area. We'd come here year after year, and it's right  
9 across where one of the entrances to this Beachcomber  
10 Road is. We'd take a rubber boat out and catch a  
11 halibut, and then we'd drive all the way down to  
12 Southeast Washington and plan for next year to go back  
13 up here. That will all change if they dig a big hole.  
14          And I'm kind of like some of these other  
15 people. You know, I don't begrudge anybody wanting to  
16 make a living, but this has no place where it is at. I  
17 mean, you know, people raise hell about Pebble Mine.  
18 Well, it's a long ways away. It's, you know, it's --  
19 maybe -- maybe it does -- it could trash a lot streams  
20 and salmon runs and things like that, but I don't see  
21 it so it isn't personal to me.  
22          But if I have to drive when I go to the  
23 post office, and I got to come up Danver and I got to  
24 hear backup alarms or white noise, I'm not going to  
25 enjoy the place like I used to.

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1          And so I really think the road safety and  
2 these things, even though maybe the borough doesn't  
3 have any jurisdiction over the road because it's a  
4 state road or the Old Sterling Highway, I really think  
5 you guys should be able to have some input on this  
6 project and do the right thing. Thank you.  
7          **CHAIRMAN MARTIN:** Thank you. Any  
8 questions?  
9          **THE CLERK:** Mr. Chairman.  
10          **CHAIRMAN MARTIN:** Yes.  
11          **THE CLERK:** Could he state his name?  
12          **CHAIRMAN MARTIN:** Did you state your name  
13 and address?  
14          **RICHARD CARLTON:** Yes, I did.  
15          **CHAIRMAN MARTIN:** In the record, in the  
16 microphone? It helps if she gets it recorded as well.  
17          **THE CLERK:** Could you please state your  
18 name. I didn't catch it.  
19          **RICHARD CARLTON:** Yes. It is Richard  
20 Carlton, 73500 Seabury Road. I did -- we did send a  
21 letter in, too.  
22          **CHAIRMAN MARTIN:** Okay. Thank you. Mr.  
23 Ruffner.  
24          **COMMISSIONER RUFFNER:** Mr. Chairman, at  
25 this time I would like to vote to suspend the rules so

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1 that we can extend any public comment beyond our normal  
2 closing time at 11.  
3 **COMMISSIONER CARLUCCIO:** Second.  
4 **CHAIRMAN MARTIN:** Is there any opposition  
5 to the motion? Seeing none, the motion to extend the  
6 rules passes.  
7 And I will ask another time for the next  
8 testifier.  
9 **STEVE HABER:** My name is Steve Haber.  
10 Sorry, it's late. I just want to tell you all I was  
11 at -- on the beach road this morning, and everyone who  
12 knows it mentioned it before, someone is going to die  
13 if this project goes through.  
14 I unfortunately had a high school  
15 incident with my son's school many years ago, and we  
16 couldn't get a traffic light put in at a very famous  
17 school in the desert, and three kids got killed, you  
18 know, several weeks later. And then, of course, the  
19 whole town went crazy and put the light in. That's  
20 what's going to happen here.  
21 And you may be under such tremendous  
22 pressure from the way you do it that you are going to  
23 approve this. This won't work with this road, beach  
24 road. Everything that everybody else has said about  
25 the views and stuff doesn't compare to the bike

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1 companies going up and down. The boat trailers are  
2 going 60 miles an hour themselves -- I mean, the boats  
3 that are going to get put in the water. They are not  
4 obeying the laws either.  
5 I was trying to hitch from one campground  
6 to the other this morning, and it was crazy. There was  
7 two kids being pulled in a deal and being wheeled up  
8 there. Someone is going to die. You remember I said  
9 this tonight, every one of you. You are sitting here,  
10 you can prevent it.  
11 And I don't mean to think you are bad  
12 people. Someone is going to die on that road and then  
13 you are all going to change your mind. Thank you.  
14 **CHAIRMAN MARTIN:** Anyone else?  
15 **DAVID GREGORY:** Okay. My name is David  
16 Gregory. I live on 73850 Seaward, which is just up  
17 Danver around the corner from this proposed pit.  
18 We are calling it a pit, a gravel  
19 extraction area, which is actually a mine as it was  
20 mentioned earlier.  
21 I work at a mine, and there's a place for  
22 mines, but the mine I work at is way out in a remote  
23 area.  
24 And I've sent an e-mail several days ago,  
25 and noise and dust is one of my big concerns. And then

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1 as it was mentioned, the noise goes uphill, and there's  
2 numerous homes. Maybe there's only five that could be  
3 seen from one particular point, but there are dozens up  
4 this hill that the noise will carry right up there, as  
5 well as the dust. And the dust can be carried by the  
6 wind or if it is -- if the wind is still, it just hangs  
7 in the air.  
8 Now at the mine where I work, the whole  
9 ground for a large area, in the wintertime especially  
10 so you can see it, fresh snow will only stay fresh for  
11 a day or two and it's got a dark color, crusty, dirty  
12 look for a big area around the mine. So this is one of  
13 my biggest concerns at this point is the noise and the  
14 dust. Thank you.  
15 **CHAIRMAN MARTIN:** Thank you. Anyone  
16 else? This will be the last call for public comment  
17 this evening. Hearing and seeing no further requests,  
18 we close public comment and bring it back to the  
19 Commission for a motion. Mr. Ruffner.  
20 **COMMISSIONER RUFFNER:** Thank you, Mr.  
21 Chairman. Move to postpone action on this item until  
22 next meeting and hold public comment open.  
23 **COMMISSIONER BENTZ:** Second.  
24 **CHAIRMAN MARTIN:** Discussion. Ms.  
25 Ecklund.

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1 **COMMISSIONER ECKLUND:** I really would  
2 like to take action on this tonight. We've heard the  
3 public. I would -- you know, if we did bring it back  
4 on August 13th, I would hope that they would all be  
5 back again and we'd hear it again.  
6 I did have opportunity to look through a  
7 bit of the material prior to the meeting, but I believe  
8 what I've heard tonight and I think it would be just  
9 verified in these documents. And I think I would like  
10 to take action on this conditional use permit tonight  
11 rather than postpone it until August 13th.  
12 **CHAIRMAN MARTIN:** Mr. Whitney.  
13 **COMMISSIONER WHITNEY:** I concur with  
14 that. I had an opportunity to read through everything,  
15 and I just as soon do it tonight and get it over with.  
16 **CHAIRMAN MARTIN:** Roll call, please.  
17 **THE CLERK:** Thank you, Mr. Chairman.  
18 This was a motion to postpone action until the next  
19 meeting or to continue the public hearing. Carluccio?  
20 **COMMISSIONER CARLUCCIO:** No.  
21 **THE CLERK:** Ecklund?  
22 **COMMISSIONER ECKLUND:** No.  
23 **THE CLERK:** Fikes?  
24 **COMMISSIONER FIKES:** No.  
25 **THE CLERK:** Martin?

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1       **CHAIRMAN MARTIN:** Yes.  
2       **THE CLERK:** Morgan?  
3       **COMMISSIONER MORGAN:** No.  
4       **THE CLERK:** Ruffner?  
5       **COMMISSIONER RUFFNER:** Yes.  
6       **THE CLERK:** Venuti?  
7       **COMMISSIONER VENUTI:** Yes.  
8       **THE CLERK:** Whitney?  
9       **COMMISSIONER WHITNEY:** No.  
10      **THE CLERK:** Bentz?  
11      **COMMISSIONER BENTZ:** Yes.  
12      **THE CLERK:** Four yes, five no.  
13      **CHAIRMAN MARTIN:** So the motion to  
14 postpone fails.  
15      Ms. Ecklund.  
16      **COMMISSIONER ECKLUND:** To put this on the  
17 floor, I would like to make a motion to approve the  
18 conditional use permit for a material extraction site  
19 in the Anchor Point area.  
20      **COMMISSIONER CARLUCCIO:** Second.  
21      **CHAIRMAN MARTIN:** Discussion. Ms.  
22 Ecklund.  
23      **COMMISSIONER ECKLUND:** I believe that we  
24 have sufficient findings to deny this permit based on  
25 the public opinion or the public testimony and the

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1 borough code as it is written now and the facts that  
2 were written in the staff report.  
3      I do have a question for staff, for Mr.  
4 Wall at this time, to know if we can even address this  
5 because they requested a waiver for the processing  
6 portion of the pit, and you recommend denying that  
7 waiver, which would then not allow them enough area for  
8 a processing as submitted tonight. Would that require  
9 a new submission of their application?  
10      **MR. WALL:** The permit would be for the  
11 extraction, they could certainly extract. To process  
12 the material, it would still leave them a narrow area  
13 within the proposed area, within the material site to  
14 do some processing.  
15      But the material extraction would be  
16 approved, but they wouldn't be able to process outside  
17 of that narrow area that would be -- and I'd have to  
18 put my scale to it, but it would pretty narrow if we  
19 narrow it down to the 300 foot from the property lines.  
20      **COMMISSIONER ECKLUND:** Yeah, I think it  
21 would be 50-feet wide or so, so it would be a pretty  
22 narrow area.  
23      So then the motion -- the motion was to  
24 approve this. Do we have to address that waiver or do  
25 we just take your recommendation?

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1       **MR. WALL:** Right. If you -- the motion,  
2 it sounded like it was to approve as recommended in the  
3 staff report, which includes the approval -- I mean,  
4 the denial of the waiver.  
5       **COMMISSIONER ECKLUND:** Okay. Okay.  
6 Thank you.  
7       **CHAIRMAN MARTIN:** Further discussion? Go  
8 ahead, Mr. Ruffner.  
9       **COMMISSIONER RUFFNER:** Thank you, Mr.  
10 Chairman.  
11      So I was kind of hoping to put this off  
12 because I had a couple of legal questions that I would  
13 have wanted to ask. I don't think we have time to go  
14 through kind of a memo that I was thinking about asking  
15 for.  
16      So I will try to summarize what I know  
17 about where we stand legally with looking at this and  
18 why I had to give this little talk a number of times in  
19 an uncomfortable way, is that, you know, the borough  
20 bssembly has given us the rules by which we are allowed  
21 as Planning Commission members to work under.  
22      And so they've kind of put the side  
23 boards up there that says what we can and can't  
24 approve. And the six criteria that staff has laid out  
25 shows that, in their opinion, that it meets those

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1 conditions.  
2      So what I would want to hear from my  
3 fellow commissioners, is of those six criteria, which  
4 ones you -- if you are going to vote against this, you  
5 know, which ones you don't think we're meeting in the  
6 discussion so that I can at least understand where you  
7 would be deviating from what's been presented to us in  
8 the staff report.  
9      **CHAIRMAN MARTIN:** Ms. Ecklund.  
10      **COMMISSIONER ECKLUND:** Yes. With the  
11 findings that I've drafted, the first one addresses  
12 current Ordinance 21.29.040(A)(4). That states that  
13 the noise -- let me find it on page 101 -- that states  
14 "...minimizes the noise disturbance to other  
15 properties."  
16      And from the testimony I've heard tonight  
17 and the documents that have been submitted, I don't  
18 think that the berms or the vegetation buffers will do  
19 justice to minimize the noise disturbance to other  
20 properties. We've been handed out maps with properties  
21 identified, so I think that's one finding.  
22      Another finding right along with that is  
23 21.29.050(A)(5), and I don't think that the visual  
24 effects will be reduced sufficiently with buffers,  
25 berms. I don't think they could build them high enough

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1 for that.

2 The application was submitted without the

3 seasonal high water determination. I don't think that

4 was sufficiently delineated in the application.

5 And I don't know if this is a finding or

6 not, but I think we need to determine if that well that

7 was mentioned several times tonight is within 100 feet

8 of the pit as designated in the application.

9 **CHAIRMAN MARTIN:** It comes down to did

10 you state your case?

11 **COMMISSIONER ECKLUND:** So I guess that

12 would be -- that's my case.

13 **CHAIRMAN MARTIN:** That's your findings.

14 **COMMISSIONER ECKLUND:** And then the vote

15 would determine if we stated it. And if we fail this

16 motion to approve it, then there's followup procedures

17 that could be taken by the applicant, as I understand,

18 is that correct, through the chair to staff?

19 **MR. WALL:** So your question was is if it

20 is denied, what the applicant's recourse is?

21 **COMMISSIONER ECKLUND:** Yes, if you could

22 explain that for us.

23 **MR. WALL:** Yes. There is a 15-day appeal

24 period once the decision is made, once the notice of

25 decision is issued, and that appeal would go to the

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1 hearing officer. And that would be -- anybody that

2 testifies tonight or has written -- submitted written

3 comment would have the ability to appeal.

4 **COMMISSIONER ECKLUND:** Just to follow up.

5 So anyone that testified and any comments, the hearing

6 officer would get a transcript of the comments tonight

7 as well for their review?

8 **MR. WALL:** That is correct. The

9 transcript is provided to the hearing officer.

10 **COMMISSIONER ECKLUND:** Okay. Thank you.

11 **CHAIRMAN MARTIN:** Mr. Ruffner.

12 **COMMISSIONER RUFFNER:** So I thank my

13 fellow commissioner for kind of laying out what will be

14 the findings, I think, attached if it goes that way.

15 So I'll just summarize. And I think this

16 would be good if it were to be appealed just to have

17 this on the record as my understanding of kind of how

18 we get to where we feel like, as commissioners, our

19 hands are tied. And, I mean, I think we heard it from

20 the public that you've heard that our hands are tied in

21 a number of cases.

22 So as best I can, I can lay out what my

23 understanding of the legal -- legal standing that we

24 have is here, and we have an attorney here that can

25 correct me if I run astray here.

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1 So one testifier talked about the broad

2 authorities that have been given to the Planning

3 Commission very early on in borough code at 240.050,

4 which authorizes the Planning Commission to kind of

5 consider all the factors in everything that we do and

6 make a good determination, so that's very high in our

7 code.

8 Then later on in 21.25 it lays out the

9 procedures for when we would authorize a conditional

10 land use permit, and there are several steps in there.

11 And then later in the code is 21.29,

12 which is the code specifically for gravel pits. Now my

13 understanding of -- or interpretations of how we've

14 gotten to this point in the past has been that 21.29

15 really lays out what you can do with buffers and what

16 you can't do with -- what limitations you could put on

17 a pit operator, and those are handed down to us from

18 the bssembly.

19 Previously I think I've heard that the

20 21.29 says it's the most recent set of code is that

21 that's the ones that are supposed to govern our

22 decisions. And then looking further up the code where

23 we have broader latitude has not been afforded to us in

24 the past.

25 So that's been my understanding, and if

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1 there's any clarification or corrections to that, I

2 mean, I would like to hear that from counsel.

3 **MS. MONTAGUE:** That was a good summary,

4 Mr. Ruffner. The one thing I would add is it's not

5 just a matter of the ordinance that is adopted later in

6 time, but also the ordinance that is most specific to

7 what you are reviewing.

8 And in this case, the KPB 21.29 is the

9 ordinance that very specifically addresses material

10 sites. So that has more weight than a very general

11 purpose clause, for example, that just says that the

12 Planning Commission can review the public health,

13 safety, and welfare. The very specific criteria in

14 21.29 is how the assembly has chosen to protect the

15 public health, safety, and welfare.

16 **CHAIRMAN MARTIN:** Ms. Carluccio.

17 **COMMISSIONER CARLUCCIO:** If 21.29 says

18 that a 50-foot berm or 50 feet of vegetation is one of

19 the criteria and a ten-foot berm, but yet the pit is

20 lower than all of the surrounding area, and the 50 foot

21 doesn't do anything, don't we have some authority to

22 say that this is the letter of the law, but it is not

23 the intent of the law, because the intent of the law is

24 to protect the surrounding land owners?

25 **MS. MONTAGUE:** The intent of the law is

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1 to protect the surrounding land owners in the way the  
2 assembly has laid out in the borough code.  
3 **CHAIRMAN MARTIN:** It's the unique  
4 topography that -- what gets us into this corner right  
5 now. It's hard to foresee all the different  
6 ramifications of a crater.  
7 **COMMISSIONER CARLUCCIO:** That's true, but  
8 I would not be able to support this at the time -- at  
9 this time anyhow.  
10 **CHAIRMAN MARTIN:** Ms. Bentz.  
11 **COMMISSIONER BENTZ:** Yeah, I would just  
12 like to follow up on that with just an observation that  
13 in our staff report it says that the proposed  
14 extraction meets the material site standards from 21.29  
15 minimizing noise disturbance from other properties, but  
16 I don't agree with that. I don't think these  
17 conditions will minimize noise disturbance to other  
18 properties and the conditions won't minimize visual  
19 impacts either.  
20 **COMMISSIONER MORGAN:** I have to agree as  
21 well. I don't see how the 50-foot buffer or berms are  
22 going to minimize visual impact or sound impact because  
23 of the unique topography.  
24 **CHAIRMAN MARTIN:** Are we ready to -- Mr.  
25 Ruffner.

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1 **COMMISSIONER RUFFNER:** I just want to say  
2 one more thing. I think we've done a good job of  
3 laying out the record of why -- why we're going to vote  
4 the way we are or not. And likely, you know, if it  
5 doesn't be approved it would likely be appealed, and so  
6 the Board of Adjustment will have a good record from us  
7 about why -- why we thought that it might not meet  
8 those criteria of being able to screen or vegetation.  
9 So at least it's all there for the process.  
10 **CHAIRMAN MARTIN:** Yes, thank you. Roll  
11 call, please.  
12 **THE CLERK:** Thank you, Mr. Chairman. The  
13 motion was to approve the conditional land use permit  
14 application for a material extraction on a parcel in  
15 Anchor Point.  
16 Carluccio?  
17 **COMMISSIONER CARLUCCIO:** No.  
18 **THE CLERK:** Ecklund?  
19 **COMMISSIONER ECKLUND:** No.  
20 **THE CLERK:** Fikes?  
21 **COMMISSIONER FIKES:** No.  
22 **THE CLERK:** Martin?  
23 **COMMISSIONER MARTIN:** Yes.  
24 **THE CLERK:** Morgan?  
25 **COMMISSIONER MORGAN:** No.

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1 **THE CLERK:** Ruffner?  
2 **COMMISSIONER RUFFNER:** Yes.  
3 **THE CLERK:** Venuti?  
4 **COMMISSIONER VENUTI:** Yes.  
5 **THE CLERK:** Whitney?  
6 **COMMISSIONER WHITNEY:** No.  
7 **THE CLERK:** Bentz?  
8 **COMMISSIONER BENTZ:** No.  
9 **UNKNOWN SPEAKER:** Three yes, six no.  
10 **CHAIRMAN MARTIN:** The motion fails.  
11 I'd like to -- I would like to thank  
12 everyone for the effort and sacrifice it took to come  
13 to this hearing. And I want to encourage you to  
14 continue to stay connected as a community and make the  
15 most of your community, and thanks for coming.  
16 Yeah, we are still going. Down while the  
17 gang is working on the findings. Okay.  
18 **COMMISSIONER ECKLUND:** Do you want me to  
19 read them into the record?  
20 **CHAIRMAN MARTIN:** Yes, ma'am.  
21 **COMMISSIONER ECKLUND:** Okay. I move that  
22 we attach the following findings to the denial of  
23 the --  
24 **CHAIRMAN MARTIN:** We can hear. We can  
25 hear.

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1 **COMMISSIONER ECKLUND:** -- conditional use  
2 permit for the Anchor Point material extraction site,  
3 that the Borough Code 21.29.040(A)(4), we find that the  
4 noise will not be sufficiently reduced with any buffer  
5 or berm that could be added.  
6 Borough Code 21.29.040(A)(5), that the  
7 visual impact to the neighboring properties will not be  
8 reduced sufficiently.  
9 **MR. WALL:** Mr. Chairman, can I go close  
10 the door real quick?  
11 **CHAIRMAN MARTIN:** Yes. Mr. Wall  
12 interrupted to close the door, because --  
13 **COMMISSIONER ECKLUND:** Okay.  
14 **CHAIRMAN MARTIN:** -- they weren't -- they  
15 weren't clueing in.  
16 **COMMISSIONER ECKLUND:** Do you think  
17 you've got those?  
18 **CHAIRMAN MARTIN:** The recording?  
19 **COMMISSIONER ECKLUND:** Thank you. All  
20 right.  
21 **COMMISSIONER CARLUCCIO:** Second.  
22 **CHAIRMAN MARTIN:** Discussion on the  
23 motion. Any opposition of adding these findings?  
24 Seeing no opposition, the motion passes unanimously.  
25 11:23:14

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1 (End of requested portion)  
2 11:24:07  
3 (Meeting ajourned at 11:24:07 p.m.)  
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1 CERTIFICATE  
2 I, Sheila Garrant, transcriber, do hereby certify  
3 that the foregoing pages numbered 1 through 112 are a  
4 true, accurate, and complete transcript of proceedings  
5 transcribed by me from a copy of the electronic sound  
6 recording to the best of my knowledge and ability.  
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10 Date Sheila Garrant, Transcriber  
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	96:21;97:2,10,18	43:1;53:13,24;54:4,25; 76:20;82:14;97:5,5	21:2;26:16;57:14; 80:15,17,21;81:2	107:14
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<b>\$10,000 (1)</b> 78:5	<b>activities (1)</b> 67:25	<b>agencies (1)</b> 6:24	<b>amount (8)</b> 7:2;30:10;31:16; 43:22;52:20;77:20; 80:24;81:13	<b>applying (2)</b> 86:13;90:21
<b>\$150,000 (1)</b> 89:15	<b>activity (1)</b> 39:7	<b>agency (3)</b> 68:6,12,14	<b>amphitheater (4)</b> 19:2;33:2;35:11; 37:1	<b>appointed (1)</b> 33:15
<b>\$2 (1)</b> 52:9	<b>actual (1)</b> 79:7	<b>aggregate (1)</b> 43:22	<b>ancestry (1)</b> 16:1	<b>appreciate (4)</b> 15:23;38:6;66:23; 74:10
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<b>\$6 (1)</b> 52:15	<b>add (1)</b> 105:4	<b>agree (2)</b> 106:16,20	<b>Anchorage (4)</b> 58:14;62:16;70:5; 71:17	<b>approached (1)</b> 40:18
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<b>abiding (1)</b> 46:4	<b>additional (3)</b> 11:15;40:1;81:20	<b>ajourned (1)</b> 110:3	<b>answered (1)</b> 57:10	<b>approved (6)</b> 14:16;15:10,13; 71:10;99:16;107:5
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