

Broyles, Randi

From: Hans Bilben <catchalaska@alaska.net>
Sent: Tuesday, February 8, 2022 6:12 PM
To: Blankenship, Johni
Subject: <EXTERNAL-SENDER>Info for 2/15/22 Committee of the Whole (Material Site Ordinance)

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Date:
2/8/2022

To:
KPB Assembly Members

Subject:
KPB 21.29.050 (A)(2) Buffer Area/Zone

Assembly Members,

During the January 18th Assembly meeting Gina DeBardelaben of McLane Consulting spoke concerning the proposed material site ordinance revision. She followed up with a letter to the Assembly dated January 19th. While most of Gina's proposals have merit and should be considered, her proposal to allow an applicant to extract material from under and within the Buffer Zone is seriously flawed.

The Buffer Zone is just what the name implies, a buffer to protect neighboring property owners from noise, visual, and to some degree dust impacts. The buffer zone is designed in accordance with existing uses of neighboring properties, and may consist of fifty feet of undisturbed natural vegetation, a six foot earthen berm with a 2/1 slope, a six foot fence, or a combination of the three. In cases where there are no neighboring properties that will have negative impacts, the buffer zone can be minimal or nonexistent. When existing uses dictate the need for protections the Buffer Zone is designed accordingly. The reason for the entire CLUP ordinance is stated in **KPB 21.25.020 Purpose**. It says "...impose minimum standards for certain land uses which may be damaging to the public health, safety, and welfare..." Those minimum standards are spelled out in **KPB 21.29.040** and need to be adhered to during all aspects of the proposed use.

Gina's final statement that allowing excavation in the Buffer Zone will reduce need for additional material sites has no merit, as the need for additional sites will be totally demand driven. Another oversight in her proposal is just where is all of the material going to come from to replace and rebuild the Buffer Zone after excavating twenty feet or more in depth.

Allowing excavation in the Buffer Zone deprives borough residents of the protections spelled out in the ordinance, contradicts the stated Purpose of the entire ordinance, and should not be allowed under any circumstances.

Thank you for your service to the people of the Kenai Peninsula,

Broyles, Randi

From: Hans Bilben <catchalaska@alaska.net>
Sent: Wednesday, February 9, 2022 10:52 AM
To: Blankenship, Johni
Subject: <EXTERNAL-SENDER> Supporting Documents for proposed material site amendments.

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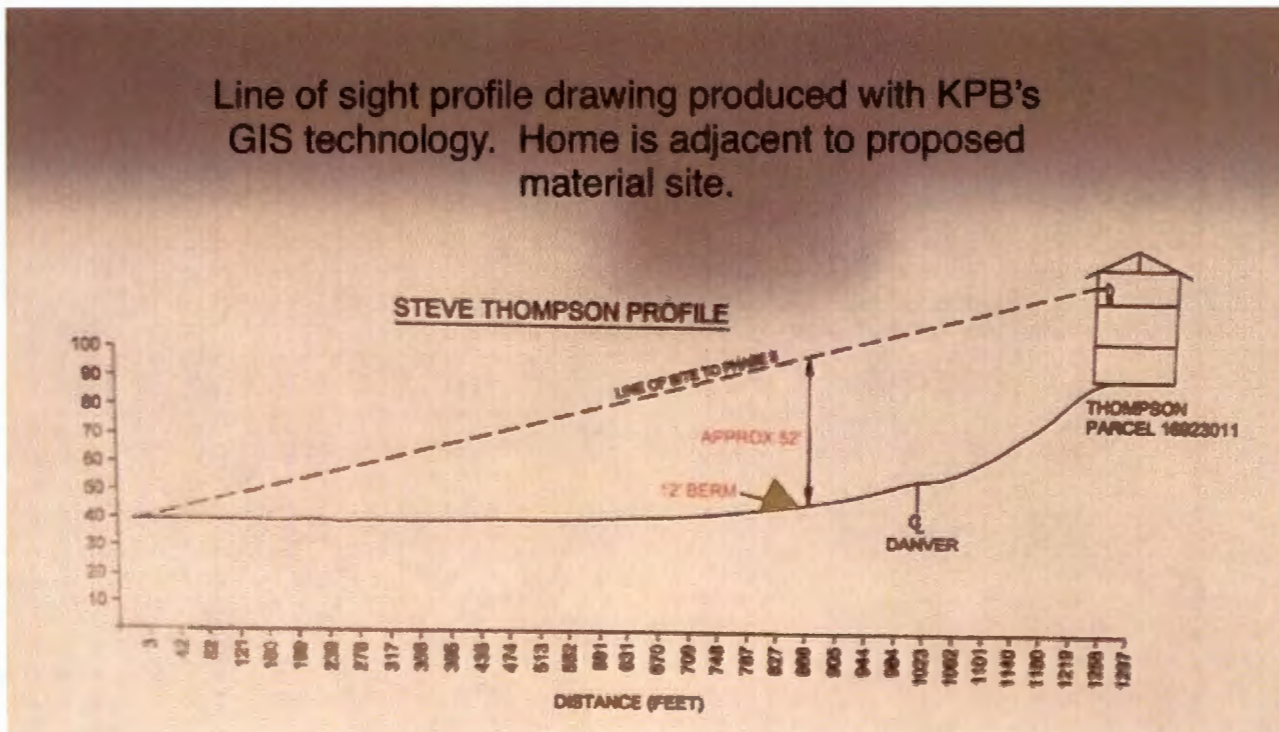
Hi Johni,

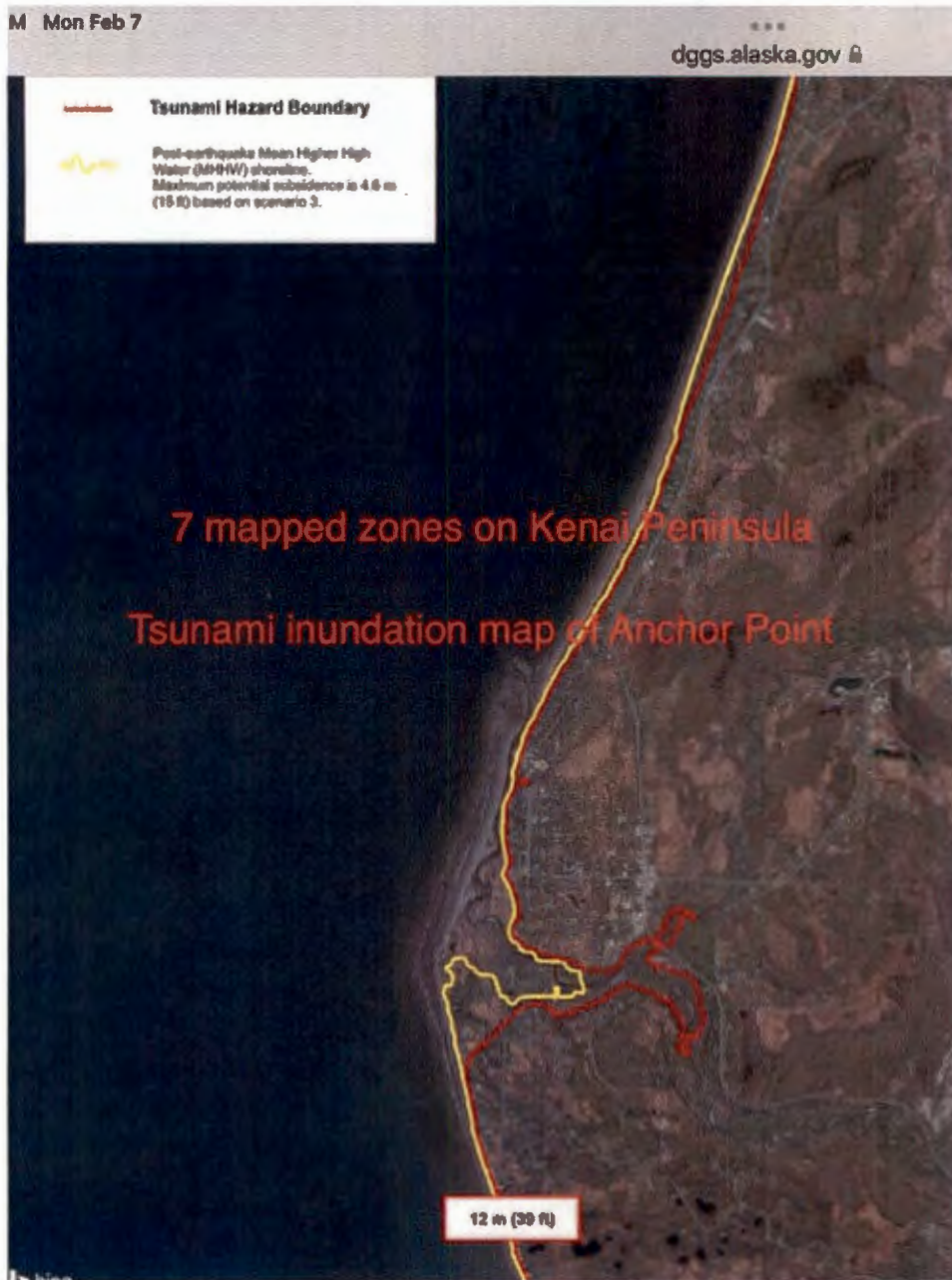
I should have sent these with the proposed amendments yesterday, but OOPS! If you could include these supporting documents with my proposed amendments to the material site ordinance for the Committee of the Whole session on 2/15/2022 that would be great!!

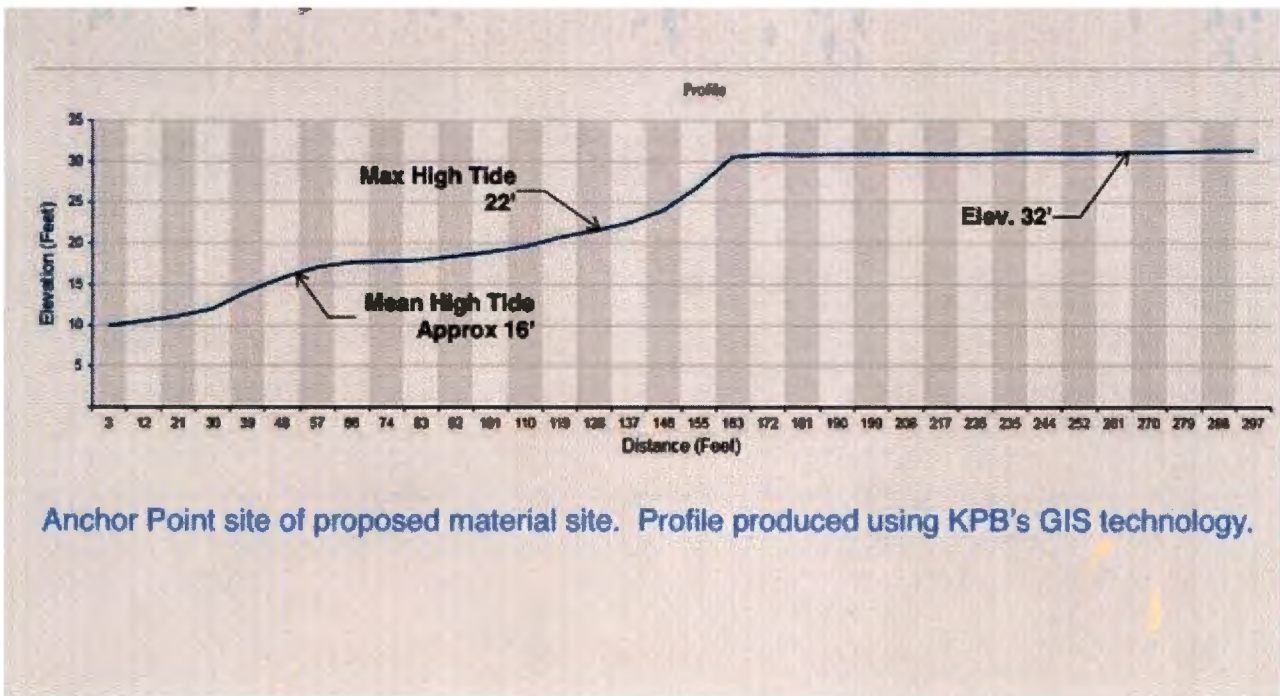
Thanks,

Hans Bilben

Document in support of proposed amendment 21.29.050 (A)(2)(b) Buffer Area.







Anchor Point site of proposed material site. Profile produced using KPB's GIS technology.

8:37 AM Wed Feb 9

sms-tsunami-warning.com

100%

rebuilding and road reconstruction) are critical.



Image: Tsunami environmental impact

Combined with the issue of waste is that of hazardous materials and toxic substances that can be inadvertently mixed up with ordinary debris. These include asbestos, oil fuel, and other industrial raw materials and chemicals. Rapid clean-up of affected areas can result in inappropriate disposal methods, including air burning and open dumping, leading to secondary impacts on the environment.

Contamination of soil and water is the second key environmental impact of a tsunami. Salinization of water bodies such as rivers, wells, inland lakes, and groundwater aquifers can occur in most cases. This also affects the soil fertility of agricultural lands due to salinization and debris contamination, which will affect yields in the medium and long term. Sewage, septic tanks and toilets are damaged contaminating the water supply.

Last but not least, there may be radiation resulting from damage to nuclear plants, as it happened in Japan in March 2011. Since radiation exists for a long time, it has the capacity to inflict damage upon anything exposed to it. Radiation is most dangerous to animals and humans causing destruction as molecules lose their electrons. The damage caused by radiation to the DNA structure determines birth defects, cancers even death.

Cost

Massive costs hit communities and nations when a tsunami happens. Victims and survivors of the tsunami need immediate help from rescue teams.

Broyles, Randi

From: Hans Bilben <catchalaska@alaska.net>
Sent: Tuesday, February 8, 2022 6:00 PM
To: Blankenship, Johni
Cc: Aeschliman, Melanie; Kelley, Sean; Chesley, Lane
Subject: <EXTERNAL-SENDER>Material Site Ordinance Amendments
Attachments: Standard #1 Amendment.pages; CLUP Category Amendment.pages; Buffer Area amendments.pages; Waterbody Amendments.pages

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Hi Johni,

Please provide these proposed amendments to the Committee of the Whole dealing with the Material Site Ordinance on 2/15/2022. If there is any trouble opening these because of format, let me know and I'll adjust accordingly!

Thanks,

Hans Bilben

1. 21.29.050 (A)(2) Buffer Area (3 amendments)

Replace (a) with:

- a. A buffer area shall be established between the area of excavation and the parcel boundaries. The buffer area for a Class 1 (processing) CLUP shall consist of the following: A minimum fifty feet of undisturbed natural vegetation and a minimum twelve-foot earthen berm with a minimum 2/1 slope. The buffer area for a Class 2 (non-processing) CLUP shall consist of one or any combination of the following: Fifty feet of undisturbed natural vegetation, a minimum six-foot fence, a minimum six-foot earthen berm with a minimum 2/1 slope.
-

2. Add a new paragraph to 21.29.050 (A)(2) Buffer Area— maybe call it (b) and move remainder of letters down one?

- b. KPB's Geographic Information System (GIS) technology will be utilized in the design of the buffer area when differing elevations exist between the proposed site and neighboring property owners. Using this technology, line of sight profile drawings from the uppermost inhabitable level of existing properties located within one thousand feet of the proposed parcel boundary shall be utilized in the determination of sufficiency of the buffer area.
-

3. In the revised proposal under Buffer Area (c) the word “**not**” is omitted from what the wording was in the current (**see 21.29.050 (A)(2) in original**) ordinance. This is a huge takeaway from borough residents and I believe that when it was discussed at the material site group they decided to keep the word “**not**”. As worded, the proposed revision would include any easements between a property owner and a gravel pit as part of the Buffer Area.

21.29.050 (A)(2)(c) Should be amended to read:

c. Where an easement exists, a buffer shall **not** overlap the easement, unless otherwise conditioned by the planning commission or planning director.

1. Three Amendments to create two Categories of CLUPs.

21.29.020 (B) Conditional Land Use Permit.

B. A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. [~~A CLUP IS REQUIRED FOR MATERIALS PROGRESSING.~~] **CLUPs will be categorized at the time of application as: Class 1 (Processing), or Class 2 (Non-Processing).** A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPs and the provisions of 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of 21.29 are controlling.

2. 21.29.050 (A) Permit Conditions.

A. The following mandatory conditions apply to counter permits, [~~CLUPs~~] **Class 1 CLUPs, and Class 2 CLUPs** issued for sand, gravel, or material sites:

3. 21.29.050 (A)(3) Permit Conditions

3. Processing. In the case of a [~~CLUP~~] **Class 1 (processing) CLUP**, any equipment which conditions or processes material must be operated at least [~~300~~] **500** feet from the parcel boundaries. At its discretion, the planning commission may waive the [~~300~~] **500** foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.

Amendment to Standards

21.29.040 (A)(1) Standards for sand, gravel, or material sites.

1. Protects against the lowering and/or contamination of water sources serving other properties;

Add new paragraphs (c) and (d) to this section:

21.29.050 (A)(6) Waterbodies.

c. No material site extraction shall be allowed within the boundaries of a tsunami inundation area. These areas are mapped by the Alaska DNR, in partnership with the Alaska Earthquake Center and the Alaska Division of Homeland Security and Emergency Management.

d. When material sites are proposed near waterways and estuaries which support salmon rearing habitat existing ground water flow information shall be utilized to determine if standards will be met.

Mr. Brent Johnson, President,
Kenai Peninsula Borough Assembly
and Assembly members

Dear Mr. Johnson and Assembly Members,

Reading about the wish of the Assembly to review the Gravel Pit Ordinance, reminded me of my years of involvement with this.

Drew Scalzi wrote the first one, which the Gravel folks hated, they did not feel it was necessary to control their businesses, and deeply resented the efforts. I got involved thanks to Ann Byes of Anchor Point, who lives near a prime example of gravel pit abuse, where a house stands totally isolated by the deep extractions all around it. She and I were concerned that future extraction would not affect residents nearby, and had asked for at least a 300 ft. distance from a well and the proposed gravel pit. Before it was voted on, that was changed to 100 ft. At that time Committee meetings were behind closed doors and discussion at the meetings very limited. (During my tenure we changed that.)

So, during my tenure we took another look at it and rewrote it, again to the utter chagrin of the businesses. At that time, as you are now, we came up against a subdivision that faces a busy gravel pit just outside the quiet subdivision, and those folks are not happy about it. They can get local option zoning within the subdivision, but no protection outside the subdivision.

It is time for the Assembly to consider zoning certain areas as residential, that would not allow gravel pits, or commercial businesses. It is the only way to ensure established subdivisions will be protected from commercial disturbances.

In the past there has been a huge outcry against zoning, but I think the time has come. I see the planning committee listening to impassioned cries against proposed gravel pits, and I can empathize. It is impossible to create an ordinance that will protect them.

And somehow we have to recognize there is a need for gravel in order to build anything, roads, homes, etc. That is a vital business on the Peninsula.

I do not envy you what lies ahead. I wish you the best in your endeavors.

Sincerely,

Milli Martin
P.O. Box 2652
Homer, Alaska 99603