

## **Resolution 2018-23**

**Appeal of the Kenai Peninsula Borough  
Planning Commission's Approval of  
A Conditional Land Use Permit  
in the Anchor Point area.**

**KPB Tax Parcel ID# 169-010-67  
Tract B, McGee Tracts  
Deed of Record Boundary Survey (Plat 80-104)  
Deed recorded in Book 4, Page 116,  
Homer Recording District.**

**Applicant  
Beachcomber, LLC**

**Landowner  
Beachcomber, LLC**

**Volume 1**



## Planning Department

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

Charlie Pierce  
Borough Mayor

"I, Max J. Best, the Kenai Peninsula Borough Planning Director, do hereby certify that to the best of my knowledge the attached record (Volume 1 and Volume 2) contains true and correct copies of all documents required by KPB 21.20.270 to be included in the record on appeal in the matter of a conditional land use permit approval for sand and gravel extraction in the Anchor Point area at the Kenai Peninsula Borough Planning Commission meeting of June 24, 2019."

Max J. Best  
Planning Director  
Kenai Peninsula Borough

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
)ss.  
)

STATE OF ALASKA  
JULIE HINDMAN  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of September <sup>2019</sup> by Max J. Best of the Kenai Peninsula Borough, a municipal corporation, on behalf of the corporation.

Notary Public for the State of Alaska

My commission expires: 05-06-2023

## INDEX FOR VOLUMES 1 AND 2

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R16 through R18 Volume 1	Notice of Decision
R19 through R165 Volume 1	Planning Commission Mail Out Packet and Desk / Lay Down Packet July 16, 2018
R166 through R218 Volume 1	Miscellaneous / Additional Information
R219 through R246 Volume 1	Planning Commission Minutes July 16, 2018
R247 through R252 Volume 2	Resolution 2018-23
R253 through R366 Volume 2	Planning Commission Packet March 25, 2019
R367 through R495 Volume 2	Planning Commission Desk / Lay Down Packet March 25, 2019
R496 through R525 Volume 2	Planning Commission Minutes March 25, 2019
R526 through R528 Volume 2	Planning Commission Minutes April 8, 2019
R529 through R569 Volume 2	Planning Commission Packet and Desk / Lay Down Packet April 22, 2019
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## VERBATIM TRANSCRIPT

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T99 through T103 Volume 2	Verbatim Transcript / Index April 8, 2019
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## INDEX FOR VOLUME 1

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R16 through R18	Notice of Decision
R19 through R165	Planning Commission Mail Out Packet and Desk / Lay Down Packet July 16, 2018
R166 through R218	Miscellaneous / Additional Information
R219 through R246	Planning Commission Minutes July 16, 2018

## VERBATIM TRANSCRIPT

T1 through T49	Verbatim Transcript / Index July 16, 2018
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**CONDITIONAL LAND USE PERMIT**

**APPLICATION**

## KPB 21.29

# Conditional Land Use Permit Application

For a Sand, Gravel or Material Site

### I. APPLICANT INFORMATION

Applicant Beachcomber LLC ATTN: Emmitt Trimble Landowner same  
Address PO Box 193 Address \_\_\_\_\_  
City, State, Zip Anchor Point AK 99556 City, State, Zip \_\_\_\_\_  
Telephone 907-299-1459 Cell \_\_\_\_\_ Telephone \_\_\_\_\_ Cell \_\_\_\_\_  
Email emmitttrimble@gmail.com Email \_\_\_\_\_

### II. PARCEL INFORMATION

KPB Tax Parcel ID# 16901067 Legal Description \_\_\_\_\_  
T5S R15W Section 5 S.M., McGee Tracts Deed of Record Boundary Survey Tract B  
If permit is not for entire parcel, describe specific location within parcel to be material site, e.g.: "N1/2 SW1/4 NE1/4 – 10 acres", or "5 acres in center of parcel".  
Easterly 27.7 acres

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

- ☒ \$300.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)
- ☒ Site Plan, to scale, prepared by a professional surveyor (licensed and registered in Alaska) showing, where applicable:
- |  |  |
|--|--|
| <input type="checkbox"/> parcel boundaries   | <input type="checkbox"/> location/depth of testholes, and depth to groundwater, if encountered |
| <input type="checkbox"/> location of boundary stakes within 300 ft. of excavation area (to be in place at time of application) | <input type="checkbox"/> location of all wells within 300 ft. of parcel boundary               |
| <input type="checkbox"/> proposed buffers, or requested buffer waiver(s)   | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands       |
| <input type="checkbox"/> proposed extraction area(s), and acreage to be mined  | <input type="checkbox"/> surface water protection measures                                     |
| <input type="checkbox"/> proposed location of processing area(s)   | <input type="checkbox"/> north arrow and diagram scale   |
| <input type="checkbox"/> all encumbrances, including easements   | <input type="checkbox"/> preparer's name, date and seal  |
| <input type="checkbox"/> points of ingress and egress  |  |
| <input type="checkbox"/> anticipated haul routes   |  |
- ☒ Site Plan Worksheet (attached)
- ☒ Reclamation Plan (attached) and bond, if required. Bond requirement does not apply to material sites exempt from bonding requirements pursuant to AS 27.19.050

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

### IV. CERTIFICATION STATEMENT

The information contained on this form and attachments are true and complete to the best of my knowledge. I grant permission for borough staff to enter onto the property for the purpose of processing the permit application.

Emmitt D. Trimble Date \_\_\_\_\_ Landowner (required if not applicant) \_\_\_\_\_ Date \_\_\_\_\_  
Applicant

## Site Plan Worksheet for Conditional Land Use Permit Application

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

Applicant Beachcomber LLC

Owner Beachcomber LLC

KPB Tax Parcel ID # 16901067

Parcel Acreage 41.72

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 27.7 acres
2. Material to be mined (check all that apply): ☒ gravel ☒ sand ☒ peat ☐ other(list) \_\_\_\_\_
3. Equipment to be used (check all that apply): ☒ excavation ☒ processing ☐ other \_\_\_\_\_
4. Proposed buffers as required by KPB 21.29.050.A.2 (check all types and directions that apply):

☒ 50 ft. of natural or improved vegetation

☒ minimum 6 ft. earthen berm

☐ minimum 6 ft. fence

☐ other \_\_\_\_\_

☒ N ☐ S ☐ E ☒ W

☒ N ☒ S ☒ E ☒ W

☐ N ☐ S ☐ E ☐ W

☐ N ☐ S ☐ E ☐ W

5. Proposed depth of excavation: 18' ft. Depth to groundwater: +20' ft.
6. How was groundwater depth determined? Testhole on parcel & exposed surface water to north
7. A permit modification to enter the water table will be requested in the future: X Yes    No
8. Approx. annual quantity of material, including overburden, to be mined: <50,000 cubic yards
9. Is parcel intended for subdivision?    Yes X No
10. Expected life span of site? 15 years
11. If site is to be developed in phases, describe: the excavation acreage, anticipated life span, and reclamation date for each phase: (use additional space on page 4 if necessary)

Kindly see page 4.

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

A. \_\_\_\_\_

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

C. \_\_\_\_\_

**R2**

## Material Site Reclamation Plan for Conditional Land Use Permit Application

1. All disturbed land shall be reclaimed upon exhausting the material on-site, so as to leave the land in a stable condition.
2. All revegetation shall be done with a "non-invasive" plant species.
3. Total acreage to be reclaimed each year: 2-5 acres
4. List equipment (type and quantity) to be used in reclamation:

Loader & dozer

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5. Describe time schedule of reclamation measures:

Reclamation will be completed annually before the growing season ends (September). Seeding will be applied as necessary each season to areas that achieve final grade in order to minimize erosion and dust.

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

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

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

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

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

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

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

**R3**

**ADDITIONAL APPLICATION COMMENTS**

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

Page 2 Item 11.

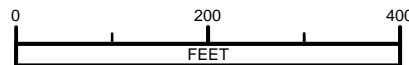
This material site will be developed in Phases on an "as-needed" extraction basis. Development will begin at the Phase I area in the northeastern corner. There is an existing ingress/egress in this area to Denver Street and the associated section line easement. Phase I is 6.2 acres with an additional 0.9 acres in buffer area. A process area is proposed in Phase I and is located 300 feet from all property lines, excluding the south property line of PID 16902208. A waiver to the process area setback is being requested. The Phase II area is immediately south of the Phase I area and is 3.9 acres plus 0.6 acres buffer. Phase III area is westerly of both Phase I & Phase II areas.

Monitor wells are planned for installation deem if the site is viable for extraction below the water table at a future time.



OWNER/APPLICANT:  
BEACHCOMBER LLC  
PO BOX 193  
ANCHOR POINT, ALASKA 99556



SCALE

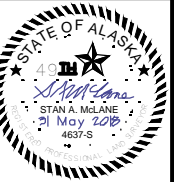
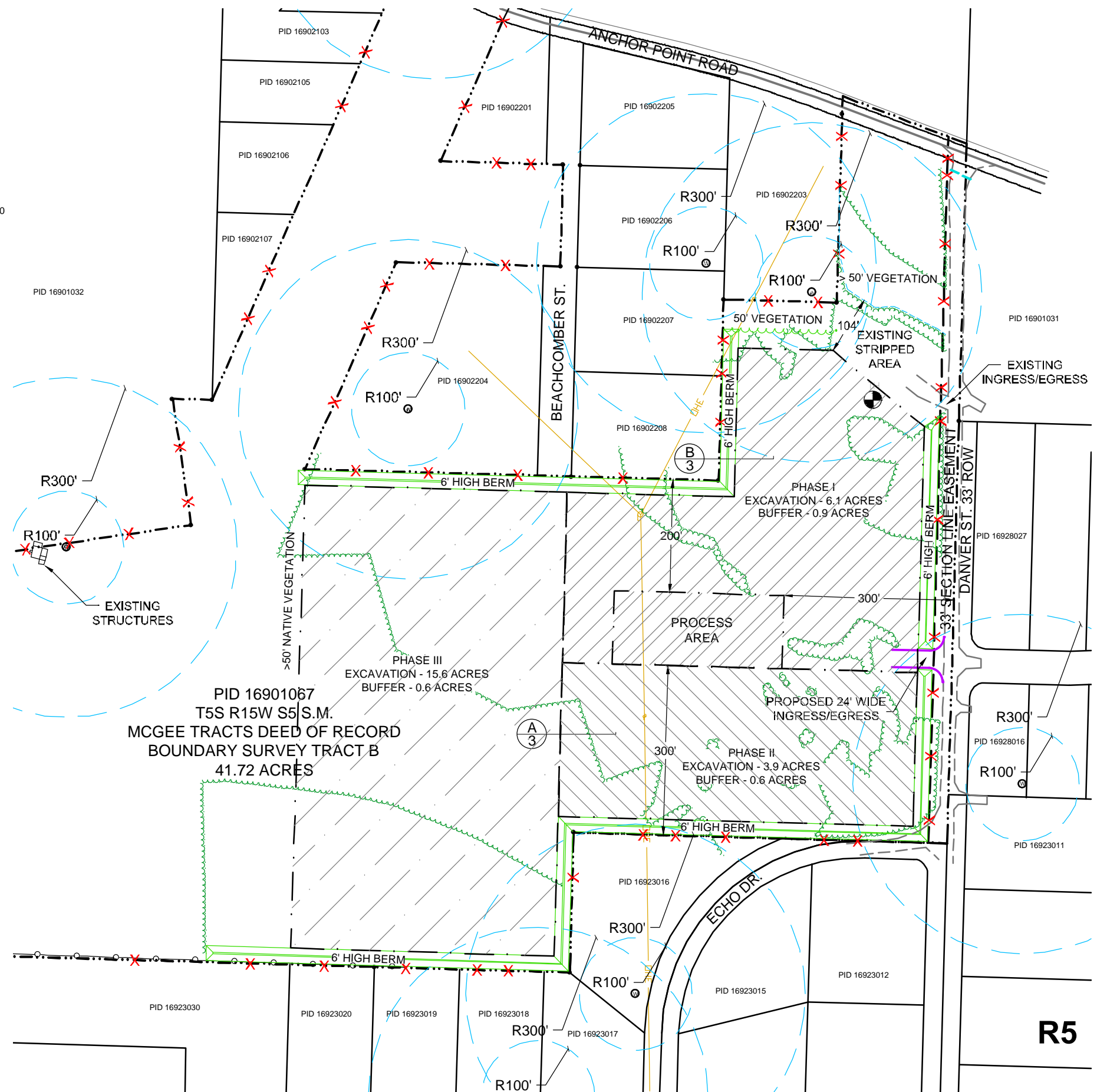


## LEGEND

- |   |                           |
|---|---------------------------|
|  | RECORD MONUMENT           |
|  | PROPERTY CORNERS          |
|  | PROPOSED INGRESS/EGRESS   |
|  | WELL SETBACK              |
|  | INTERVISIBLE FLAGGING     |
|  | EXISTING TREELINE         |
|  | PROPOSED BUFFER TREELINE  |
|  | WETLAND                   |
|  | APPROX. TESTHOLE LOCATION |
|  | EXISTING FENCELINE        |

## CLUP DEVELOPMENT NOTES

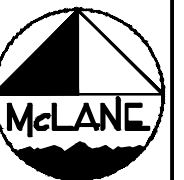
1. THIS PERMIT APPLICATION IS KPB PARCEL 16901067; T5S R15W SECTION 5 SEWARD MERIDIAN, MCGEE TRACTS DEED OF RECORD BOUNDARY SURVEY TRACT B.
2. THE EASTERLY PORTION OF THIS PARCEL IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION AND GRASS FIELD.
3. THE EXISTING AND PROPOSED INGRESS/EGRESS IS TO DANVER STREET AND/OR SECTION LINE EASEMENT, AS SHOWN.
4. THE PREFERRED BUFFERS ARE A COMBINATION OF 50' (OR GREATER) NATIVE VEGETATIVE BUFFERS AND 6' HIGH BERM.
5. WELLS WITHIN 100' AND/OR 300' OF THE EXCAVATION AREA ARE SHOWN HEREON. EXCAVATION BELOW WATER TABLE MAY BE PROPOSED AT A FUTURE TIME.
6. THERE IS MAPPED WETLAND AND SURFACE WATER, AS SHOWN, IN THE NORTHEAST CORNER OF THE PARCEL. PROPOSED EXCAVATION IS A MINIMUM OF 100' FROM WATERBODIES. THIS SURFACE WATER SETBACK WILL PROVIDE PROTECTION VIA PHYTOREMEDIATION OF ANY RUN-OFF PRIOR TO ENTERING THE SURFACE WATER.
7. GROUNDWATER IS ESTIMATED AT APPROXIMATELY 20' (AVERAGE) BELOW EXISTING GROUND IN PROPOSED EXCAVATION AREAS. THIS ESTIMATE IS FROM TEST HOLE EXCAVATED BY THE OWNER OR OTHER REPRESENTATIVES.
8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEEDDED.
9. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY BEGINNING AT THE NORTHERN LIMITS, AS SHOWN, AND PROCEEDING SOUTHERLY AS MARKET FOR MATERIAL SALES JUSTIFIES. THE CENTRAL AREA WILL BE MAINTAINED AS A PROCESSING AND STAGING AREA.
10. PROPOSED PROCESS AREA IS SHOWN. A PROCESS WAIVER WILL BE REQUESTED FOR SEPARATION TO THE NORTH PROPERTY LINE.
11. THE PROPERTY CORNERS, WITNESS CORNERS, OR SECTION LINE EASEMENT WAS LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS AS SHOWN HEREON.
12. ALASKA DEC USER'S MANUAL, BEST MANAGEMENT PRACTICES FOR GRAVEL/ROCK AGGREGATE EXTRACTION PROJECTS, PROTECTING SURFACE WATER AND GROUNDWATER QUALITY IN ALASKA, SEPTEMBER 2012 WILL BE UTILIZED AS A GUIDELINE TO REDUCE POTENTIAL IMPACTS TO WATER QUALITY.



	REV	DATE	DESCRIPTION	BY
	2	6/21/2018	NOTE 6, 7 & 12 REVISION	GMD
	1	5/31/2018	C/LIP APPLICATION EXHIBIT.	GMD

BEACHCOMBER LLC  
ANCHOR POINT RD  
ROAD CONDITIONAL LAND USE PERMIT

FIELD WORK DATE:	5/16/2018 - 5/17/2018	FIELD BOOK NO.	18-01	JOB NO.	184018
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Consulting Inc

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

DRAWN BY: BGB/GMD

CHECKED BY: GMD

HORZ. SCALE: 1" = 50'

VERT. SCALE: 1" = 25'

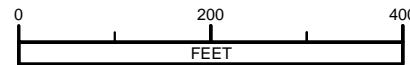
SHEET: P1













OWNER/APPLICANT:  
BEACHCOMBER LLC  
PO BOX 193  
ANCHOR POINT, ALASKA 99556



SCALE



## LEGEND

- |   |                           |
|---|---------------------------|
|  | RECORD MONUMENT           |
|  | PROPERTY CORNERS          |
|  | PROPOSED INGRESS/EGRESS   |
|  | WELL SETBACK              |
|  | INTERVISIBLE FLAGGING     |
|  | EXISTING TREELINE         |
|  | PROPOSED BUFFER TREELINE  |
|  | WETLAND                   |
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## CLUP DEVELOPMENT NOTES

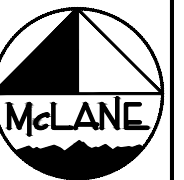
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6. THERE IS MAPPED WETLAND AND SURFACE WATER, AS SHOWN, IN THE NORTHEAST CORNER OF THE PARCEL. PROPOSED EXCAVATION IS A MINIMUM OF 100' FROM WATERBODIES. THIS SURFACE WATER SETBACK WILL PROVIDE PROTECTION VIA PHYTOREMEDIATION OF ANY RUN-OFF PRIOR TO ENTERING THE SURFACE WATER.
7. GROUNDWATER IS ESTIMATED AT APPROXIMATELY 20' (AVERAGE) BELOW EXISTING GROUND IN PROPOSED EXCAVATION AREAS. THIS ESTIMATE IS FROM TEST HOLE EXCAVATED BY THE OWNER OR OTHER REPRESENTATIVES.
8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEEDDED.
9. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY BEGINNING AT THE NORTHERN LIMITS, AS SHOWN, AND PROCEEDING SOUTHERLY AS MARKET FOR MATERIAL SALES JUSTIFIES. THE CENTRAL AREA WILL BE MAINTAINED AS A PROCESSING AND STAGING AREA.
10. PROPOSED PROCESS AREA IS SHOWN. A PROCESS WAIVER WILL BE REQUESTED FOR SEPARATION TO THE NORTH PROPERTY LINE.
11. THE PROPERTY CORNERS, WITNESS CORNERS, OR SECTION LINE EASEMENT WAS LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS AS SHOWN HEREON.
12. ALASKA DEC USER'S MANUAL, BEST MANAGEMENT PRACTICES FOR GRAVEL/ROCK AGGREGATE EXTRACTION PROJECTS, PROTECTING SURFACE WATER AND GROUNDWATER QUALITY IN ALASKA, SEPTEMBER 2012 WILL BE UTILIZED AS A GUIDELINE TO REDUCE POTENTIAL IMPACTS TO WATER QUALITY.



REV	DATE	DESCRIPTION	BY
2	6/21/2018	NOTE 6, 7 & 12 REVISION	GMD
1	5/31/2018	CLIP APPLICATION EXHIBIT	GMD

BEACHCOMBER LLC  
ANCHOR POINT RD  
ROAD CONDITIONAL LAND USE PERMIT

FIELD WORK DATE:	5/16/2018 - 5/17/2018	FIELD BOOK NO:	18-01	JOB NO.	184018
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HORZ. SCALE: 1" = 50'

# R6

SHEET: P1.1





REV	DATE	DESCRIPTION	BY
2	6/21/2018	NOTE 6, 7 & 12 REVISION	GMD
1	5/31/2018	CLIP APPLICATION EXHIBIT	GMD

BEACHCOMBER LLC	JOB NO. 18-018
ANCHOR POINT RD	FIELD BOOK NO. 18-01
ROAD CONDITIONAL LAND USE PERMIT	FIELD WORK DATE: 5/16/2018 - 5/17/2018



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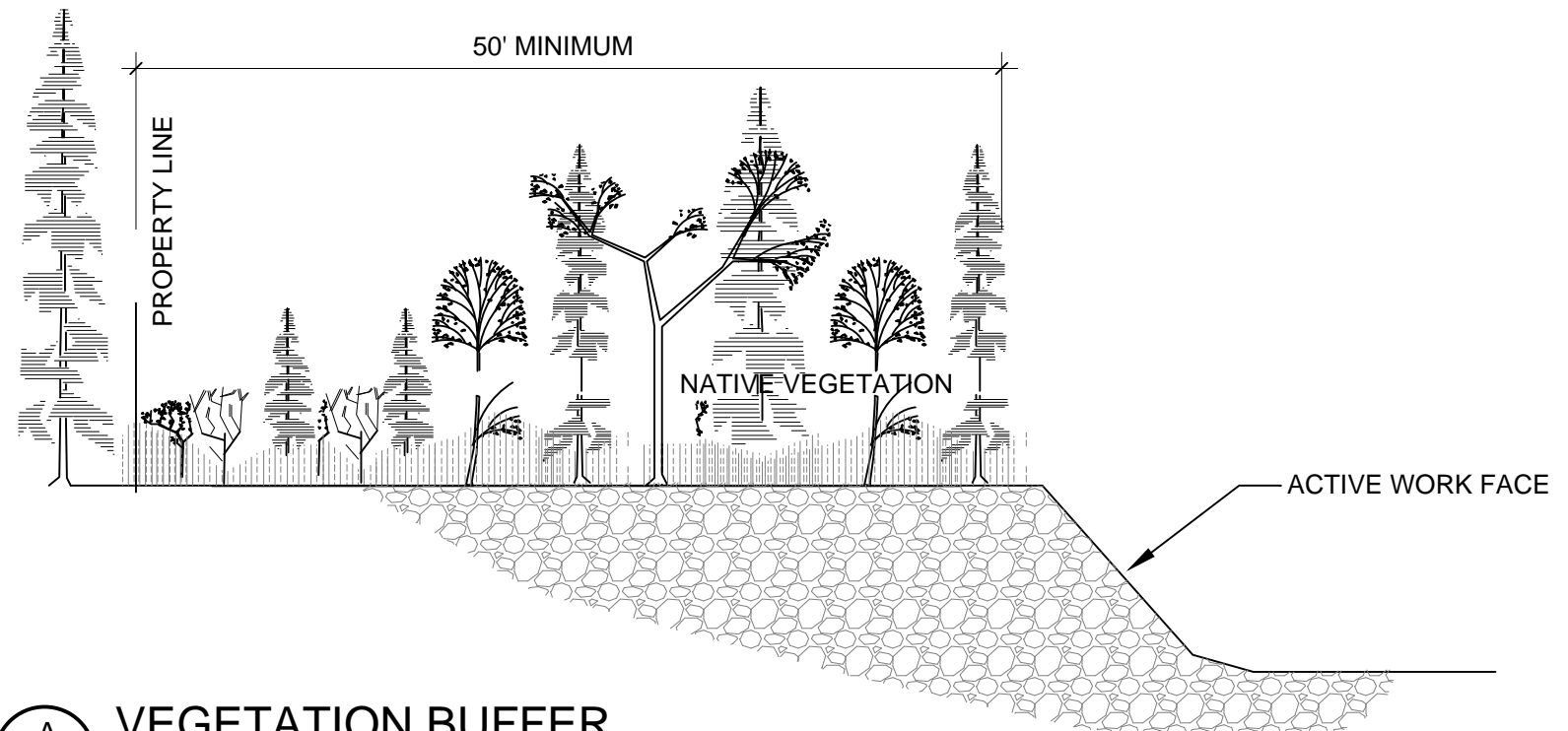
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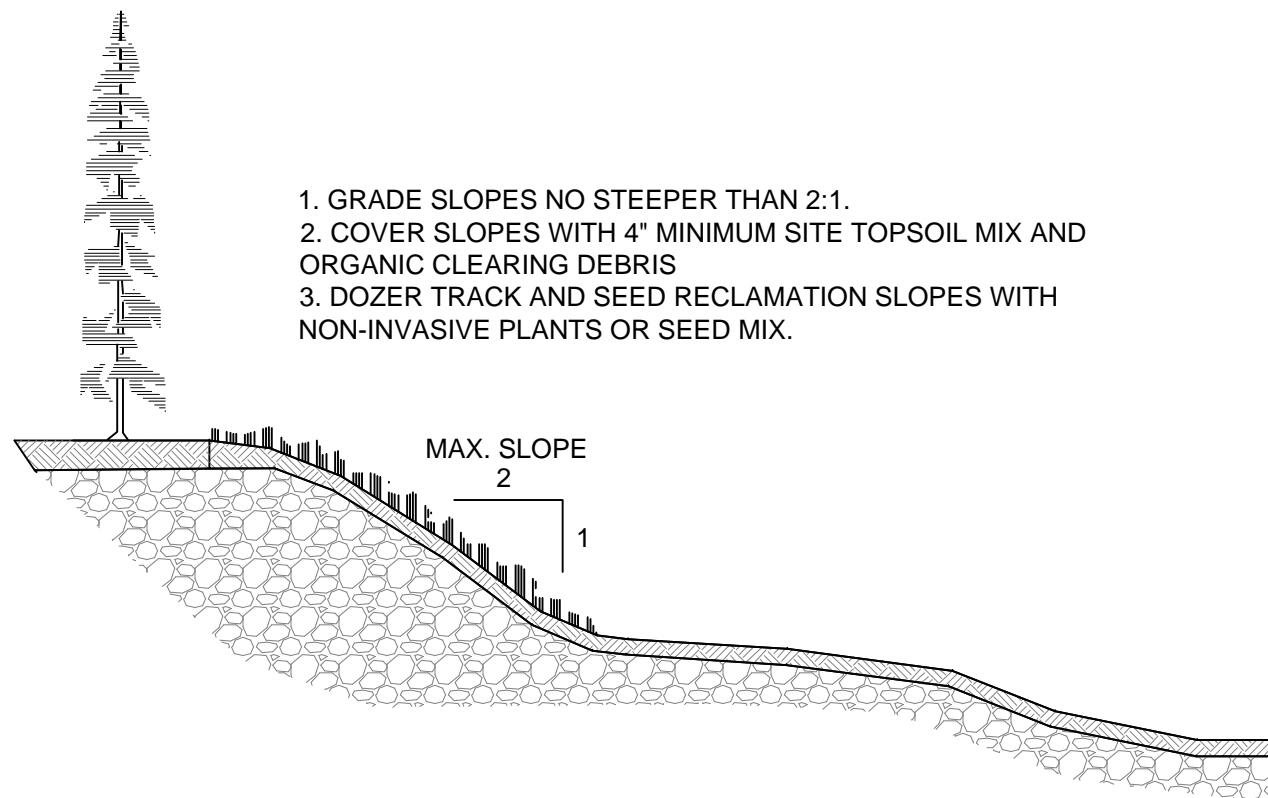
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VERT. SCALE: 1" = 25'

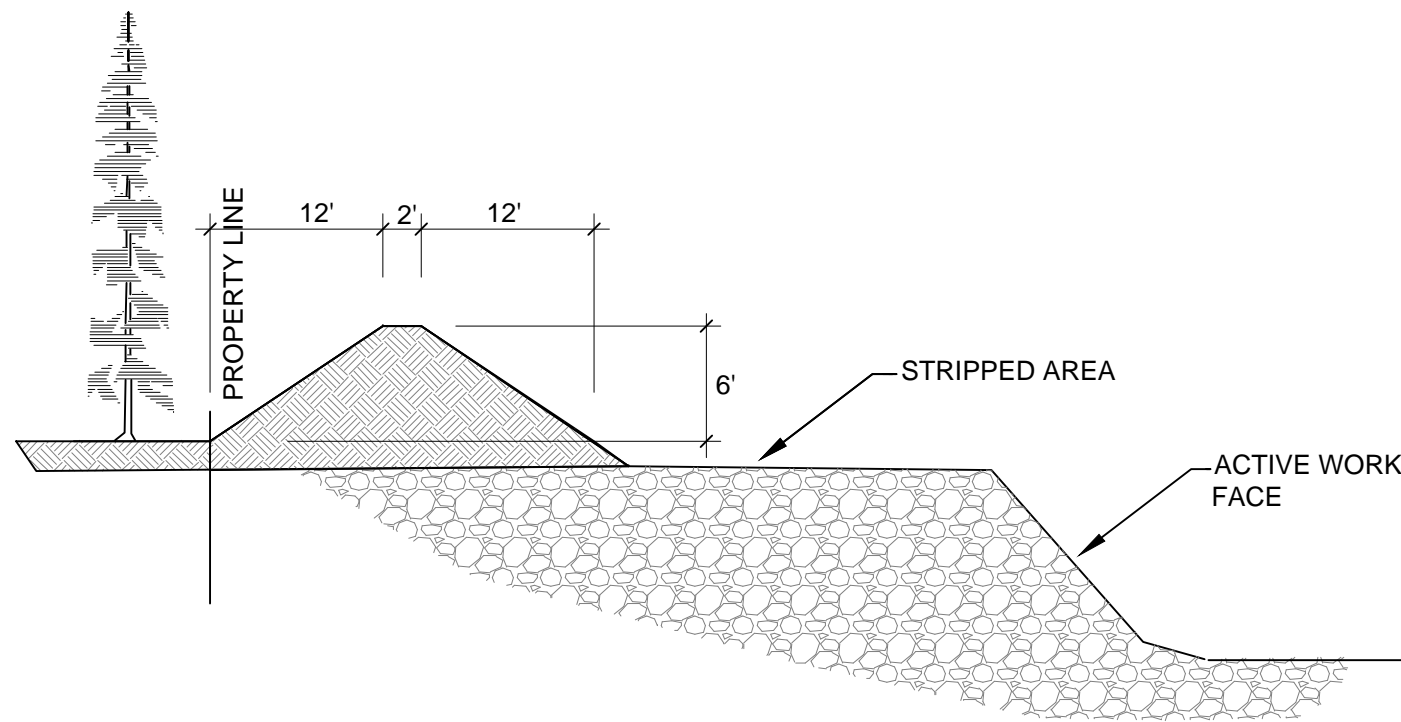
SHEET: P2



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



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



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

**R7**

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

OWNER/APPLICANT:  
BEACHCOMBER LLC  
PO BOX 193  
ANCHOR POINT, ALASKA 99556

LEGEND

RECORD MONUMENT

PROPERTY CORNERS

PROPOSED INGRESS/EGRESS

WELL SETBACK

INTERVISIBLE FLAGGING

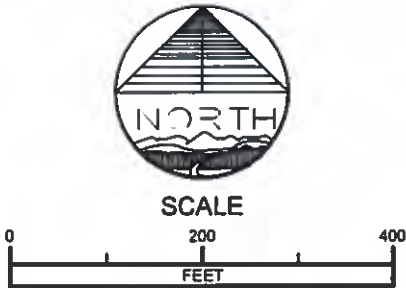
EXISTING TREELINE

PROPOSED BUFFER TREELINE

WETLAND

APPROX. TESTHOLE LOCATION

EXISTING FENCELINE



CLUP DEVELOPMENT NOTES

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5. WELLS WITHIN 100' AND/OR 300' OF THE EXCAVATION AREA ARE SHOWN HEREON. EXCAVATION BELOW WATER TABLE MAY BE PROPOSED AT A FUTURE TIME.

6. THERE IS MAPPED WETLAND AND SURFACE WATER, AS SHOWN, IN THE NORTHEAST CORNER OF THE PARCEL.

7. GROUNDWATER IS ESTIMATED AT APPROXIMATELY 18" BELOW EXISTING GROUND IN PROPOSED EXCAVATION AREAS. THIS ESTIMATE IS FROM TEST HOLE EXCAVATED BY THE OWNER OR OTHER REPRESENTATIVES.

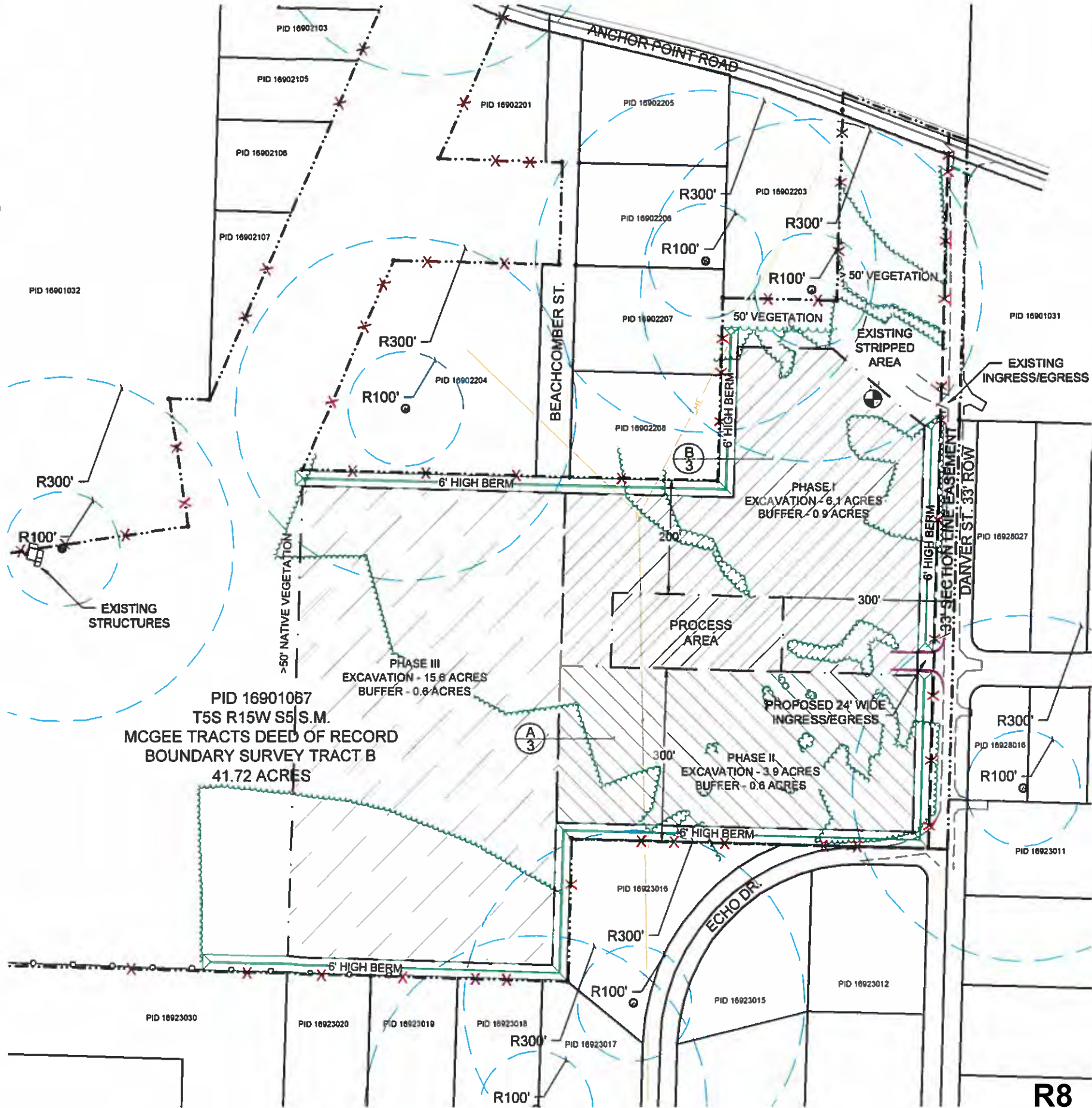
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11. THE PROPERTY CORNERS, WITNESS CORNERS, OR SECTION LINE EASEMENT WAS LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS AS SHOWN HEREON.

ORIGINAL SITE PLAN



BEACHCOMBER LLC

ANCHOR POINT RD

ROAD CONDITIONAL LAND USE PERMIT

ENGINEERING - TESTING

SURVEYING - MAPPING

P.O. BOX 488

SOLDOTNA, AK 99689

VOICE (907) 283-4218

FAX (907) 283-3285

WWW.MCLANECG.COM

DRAWN BY: BGB/GMD

CHECKED BY: GMD

HORZ. SCALE: 1" = 50'

VERT. SCALE: 1" = 25'

SHEET P1

BY:

DESCRIPTION:

DATE:

REV:

5/1/2018

CLUP APPLICATION EXHIBIT

1

184018

JOB NO.

18-01

FIELD BOOK NO.

5/1/2018 - 5/17/2018

FIELD WORK DATE:



CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

OWNER/APPLICANT:  
BEACHCOMBER LLC  
PO BOX 193  
ANCHOR POINT, ALASKA 99556

LEGEND

RECORD MONUMENT

PROPERTY CORNERS

PROPOSED INGRESS/EGRESS

WELL SETBACK

INTERVISIBLE FLAGGING

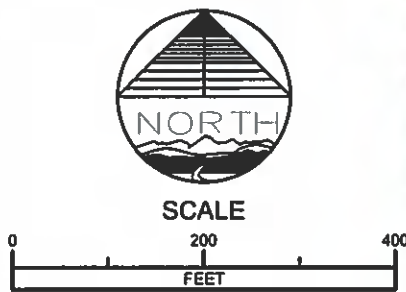
EXISTING TREELINE

PROPOSED BUFFER TREELINE

WETLAND

APPROX. TESTHOLE LOCATION

EXISTING FENCELINE



CLUP DEVELOPMENT NOTES

1. THIS PERMIT APPLICATION IS KPB PARCEL 16901067; T5S R15W SECTION 5 SEWARD MERIDIAN, MCGEE TRACTS DEED OF RECORD BOUNDARY SURVEY TRACT B.

2. THE EASTERLY PORTION OF THIS PARCEL IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION AND GRASS FIELD.

3. THE EXISTING AND PROPOSED INGRESS/EGRESS IS TO DANVER STREET AND/OR SECTION LINE EASEMENT, AS SHOWN.

4. THE PREFERRED BUFFERS ARE A COMBINATION OF 50' (OR GREATER) NATIVE VEGETATIVE BUFFERS AND 6' HIGH BERM.

5. WELLS WITHIN 100' AND/OR 300' OF THE EXCAVATION AREA ARE SHOWN HEREON. EXCAVATION BELOW WATER TABLE MAY BE PROPOSED AT A FUTURE TIME.

6. THERE IS MAPPED WETLAND AND SURFACE WATER, AS SHOWN, IN THE NORTHEAST CORNER OF THE PARCEL.

7. GROUNDWATER IS ESTIMATED AT APPROXIMATELY 18' BELOW EXISTING GROUND IN PROPOSED EXCAVATION AREAS. THIS ESTIMATE IS FROM TEST HOLE EXCAVATED BY THE OWNER OR OTHER REPRESENTATIVES.

8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEED.

9. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY BEGINNING AT THE NORTHERN LIMITS, AS SHOWN, AND PROCEEDING SOUTHERLY AS MARKET FOR MATERIAL SALES JUSTIFIES. THE CENTRAL AREA WILL BE MAINTAINED AS A PROCESSING AND STAGING AREA.

10. PROPOSED PROCESS AREA IS SHOWN. A PROCESS WAIVER WILL BE REQUESTED FOR SEPARATION TO THE NORTH PROPERTY LINE.

11. THE PROPERTY CORNERS, WITNESS CORNERS, OR SECTION LINE EASEMENT WAS LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS AS SHOWN HEREON.

ORIGINAL SITE PLAN



BEACHCOMBER LLC

ANCHOR POINT RD

ROAD CONDITIONAL LAND USE PERMIT

BY

DESCRIPTION

DATE

REV

1

5/17/2018

CLUP APPLICATION EXHIBIT

184018

18-01

FIELD BOOK NO.

5/16/2018 - 5/17/2018

FIELD WORK DATE

184018

JOB NO.

McLANE Consulting Inc

ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 468  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4216  
FAX: (907) 283-3285  
WWW.MCLANECG.COM

DRAWN BY: BGB/GMD

CHECKED BY: GMD

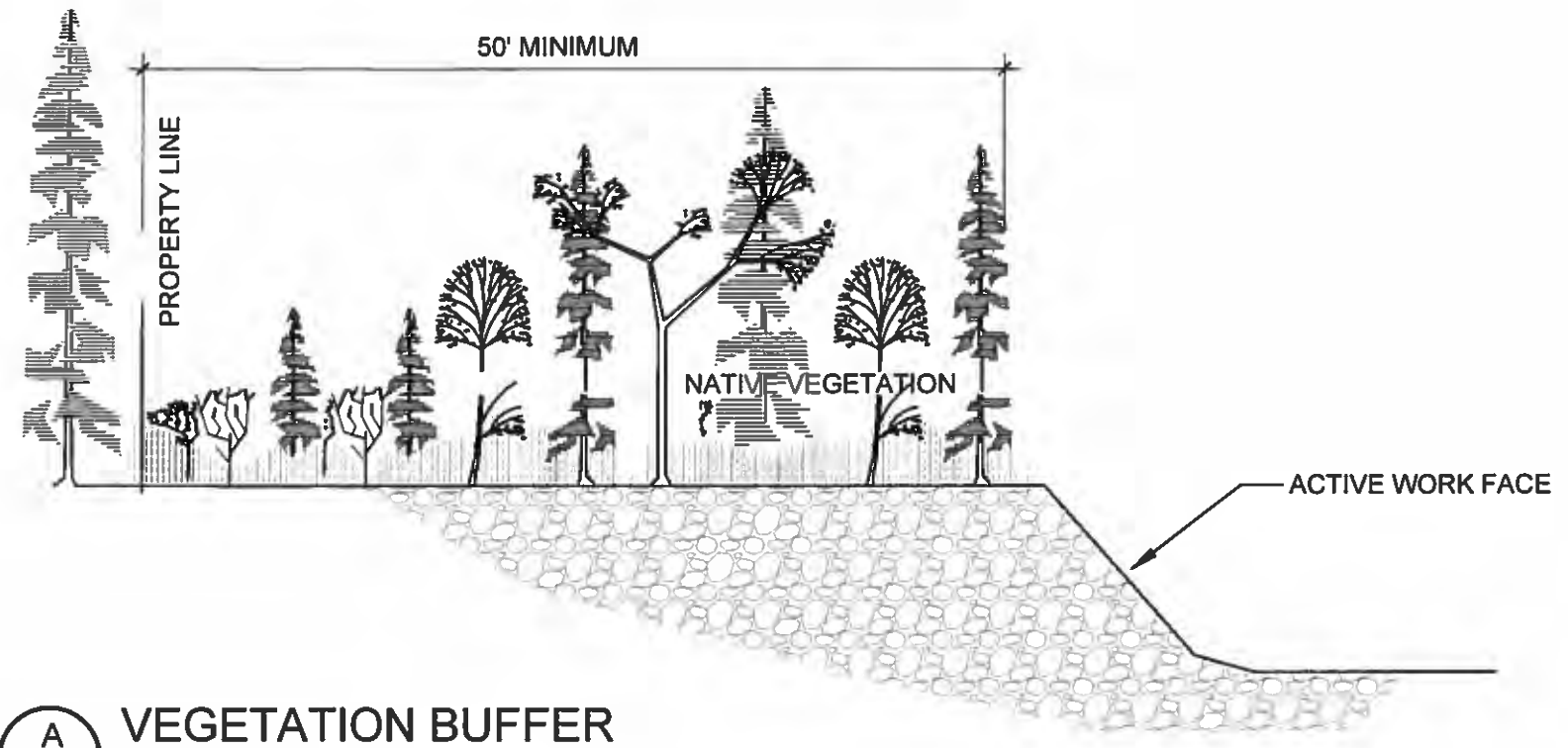
HORZ. SCALE: 1" = 50'

VERT. SCALE: 1" = 25'

SHEET R9

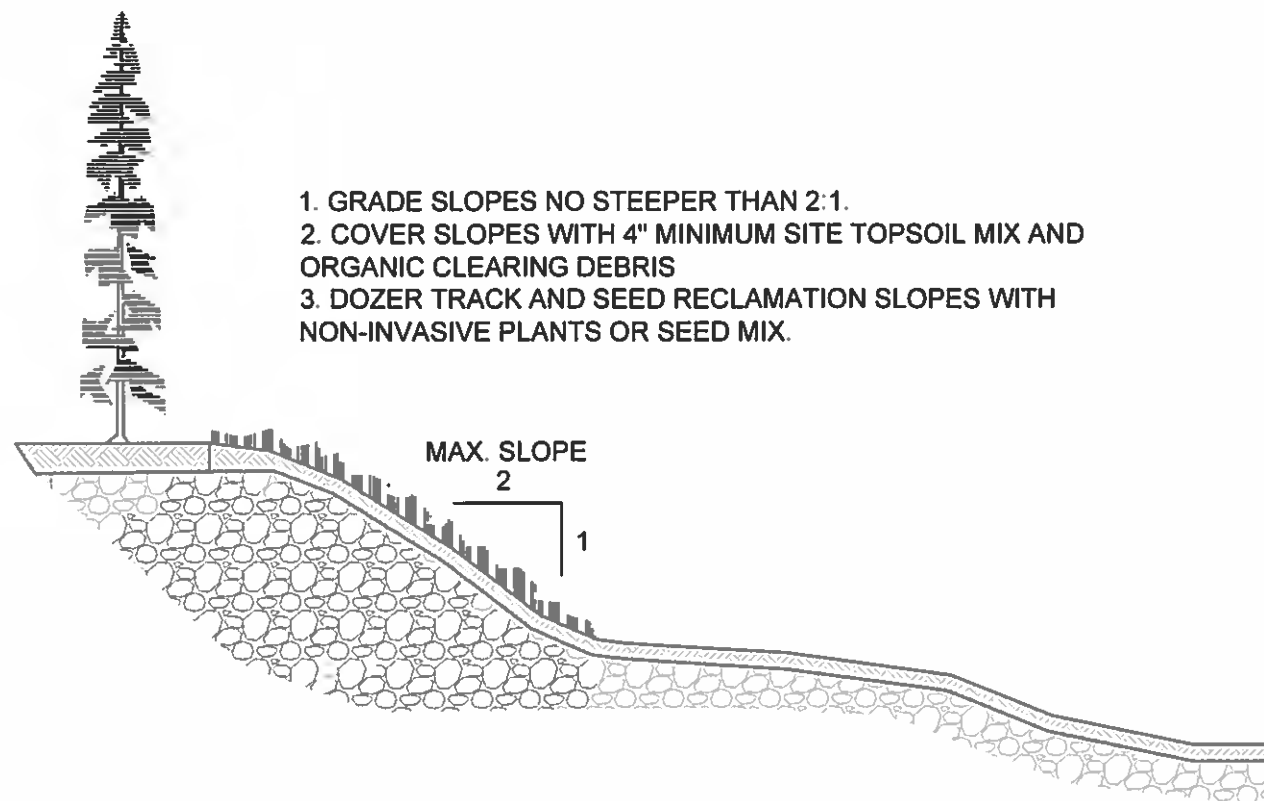
P1.1





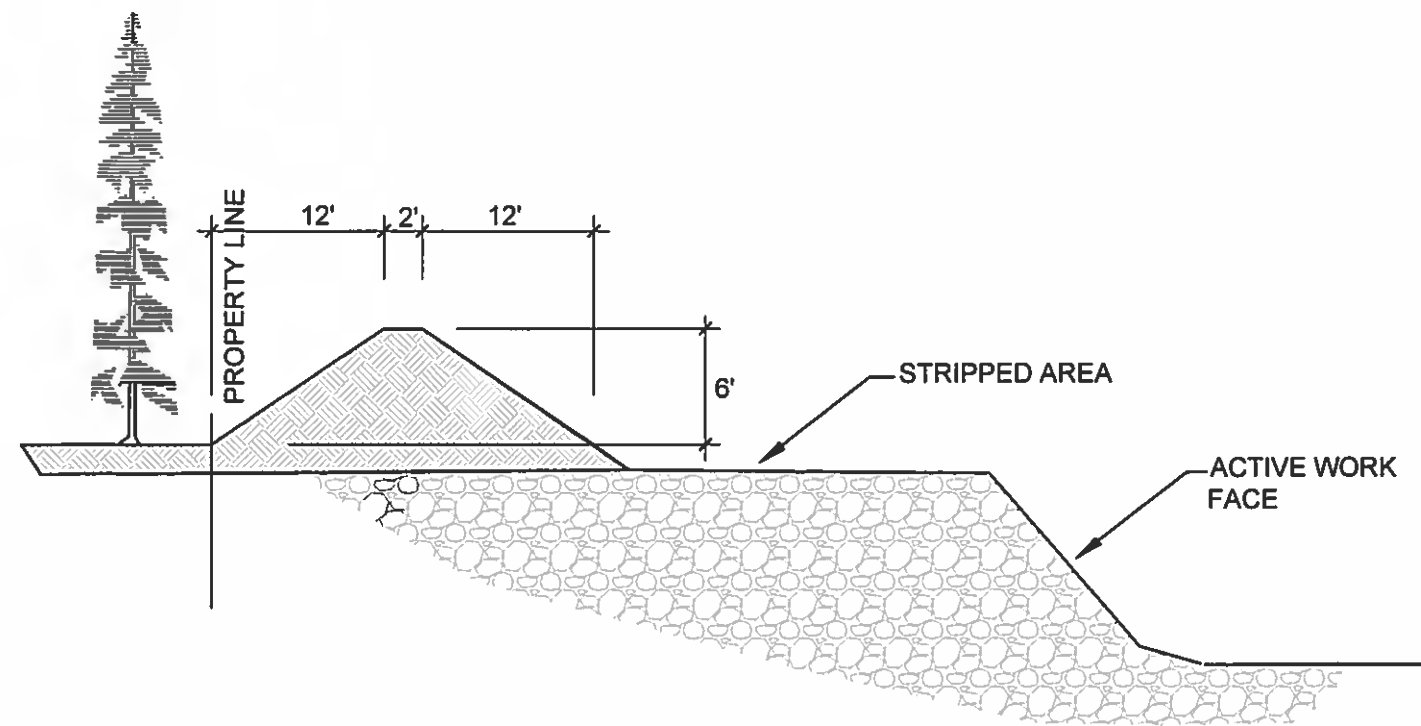
**A**  
3

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



**B**  
3

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



**C**  
3

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

**ORIGINAL SITE PLAN**

**R10**



REV	DATE	DESCRIPTION	BY

BEACHCOMBER LLC  
ANCHOR POINT RD  
ROAD CONDITIONAL LAND USE PERMIT

FIELD WORK DATE: 5/18/2018 - 5/17/2018

FIELD BOOK NO 18-01

JOB NO 184018

CLIP APPLICATION EXHIBIT



ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 488  
SOLDOTNA, AK, 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3285  
WWW.MCLANECG.COM

DRAWN BY: BGB/GMD

CHECKED BY: GMD

HORZ. SCALE: 1" = 50'

VERT. SCALE: 1" = 25'

SHEET: P2

# **PLANNING COMMISSION**

## **RESOLUTION 2018-23**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2018-23  
HOMER RECORDING DISTRICT**

**A resolution granting a conditional land use permit to operate a sand, gravel, or material site for a parcel described as Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.**

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.25.040 provides that a permit is required for a sand, gravel or material site; and
- WHEREAS,** on June 4, 2018 the applicant, Beachcomber LLC, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 169-010-67, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on June 22, 2018 to the 200 landowners or leaseholders of the parcels within one-half mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice of the application was published in the July 5, 2018 & July 12, 2018 issues of the Homer News; and
- WHEREAS,** a public hearing of the Planning Commission was held on July 16, 2018;

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Planning Commission makes the following findings of fact pursuant to KPB 21.25 and 21.29:

**Findings of Fact**

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On June 4, 2018 the applicant, Beachcomber LLC, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 169-010-67, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed disturbed area is approximately 27.7 acres.
6. A public hearing of the Planning Commission was held on July 16, 2018 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
7. The site plan indicates that the processing area is 300 feet from the south and east property lines and is greater than 300 feet from the west property line. A waiver was requested from the north property line.

8. The site plan shows the proposed processing area being 200 feet south of Parcel 169-022-08, which is undeveloped. Parcel 169-022-04 is developed and located within 300 feet of the proposed processing area; this parcel is owned by the applicant's daughter.
9. A 200-foot separation distance to the property boundaries for the processing area is not sufficient to minimize noise disturbance to other properties.
10. The proposed extraction meets material site standard 21.29.040(A1); "Protects against the lowering of water sources serving other properties", as evidenced by:
  - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
  - B. The submitted site plan shows several wells located within 300 feet of the parcel boundaries but none within 100 feet of the proposed excavation area.
  - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high water table.
  - D. The application indicates that the depth to groundwater is greater than 20 feet and that the depth of the proposed excavation is 18 feet.
  - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
11. The proposed extraction meets material site standard 21.29.040(A2); "Protects against physical damage to other properties". There is no evidence in the record to indicate that physical damage will occur to any other properties as a result of the operations of a material site at this location.
12. The proposed extraction meets material site standard 21.29.040(A3); "Minimizes off-site movement of dust", as evidenced by:
  - A. Permit condition number 13 requires that the permittee provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The proposed extraction meets material site standard 21.29.040(A4); "Minimizes noise disturbance to other properties" as evidenced by:
  - A. Permit condition number 2 requires that the permittee maintain the following buffers that will reduce the noise disturbance to other properties:
    - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
    - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
    - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
    - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
    - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
    - 6-foot high berm along the northern property as shown on the site plan.
  - B. Permit condition number 5 requires that the processing area be located greater than 300 feet from the property boundaries.
14. The proposed extraction meets material site standard 21.29.040(A5); "Minimizes visual impacts" as evidenced by permit condition number 2 that requires that the permittee maintain the following buffers that will reduce the visual impacts to other properties:
  - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
  - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
  - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm

- shall take place prior to removing the existing vegetation in the western portion of the material site.
  - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
  - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
  - 6-foot high berm along the northern property as shown on the site plan.
15. The proposed extraction meets material site standard 21.29.040(A6); "Provides for alternate post-mining land uses" as evidenced by:
- A. The submitted application contains a reclamation plan as required by KPB 21.29.060.
  - B. The applicant has submitted a reclamation plan that omits KPB 21.29.060(C3), which requires the placement of a minimum of four inches of topsoil with a minimum organic content of 5% and precludes the use of sticks and branches over 3 inches in diameter from being used in the reclamation topsoil. These measures are generally applicable to this type of excavation project. The inclusion of the requirements contained in KPB 21.29.060(C3) is necessary to meet this material site standard.
  - C. Permit condition number 15 requires that the permittee reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.

#### PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries:
  - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
  - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
  - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
  - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
  - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
  - 6-foot high berm along the northern property as shown on the site plan.

These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining.
9. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable



- surface.
11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
  12. The permittee shall notify the planning department of any further subdivision or return to acreage of this property. Any further subdivision or return to acreage may require the permittee to amend this permit.
  13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
  14. The permittee shall not operate rock crushing equipment between the hours of 10:00 p.m. and 6:00 a.m.
  15. The permittee shall reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.
  16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
  17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
  18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
  19. This conditional land use permit is subject to review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.50, a permit may be revoked for failure to comply with the terms of the permit or the applicable provisions of KPB Title 21. The borough clerk shall issue notice to the permittee of the revocation hearing at least 20 days but not more than 30 days prior to the hearing.
  20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

---

Patti Hartley  
Administrative Assistant

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

## **NOTICE OF DECISION**



## Planning Department

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

Charlie Pierce  
Borough Mayor

July 24, 2018

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

### NOTICE OF DECISION

At their July 16, 2018 meeting, the Planning Commission disapproved a conditional land use permit for a material site that was requested for KPB Parcel 169-010-67; Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.

#### FINDINGS OF FACT

1. The noise will not be sufficiently reduced with any buffer or berm that could be added.
2. The visual impact to the neighboring properties will not be reduced sufficiently.

This decision may be appealed through the Borough Clerk within fifteen days of the date of the Notice of Decision.

Bruce Wall, AICP  
Planner

July 24, 2018  
Date

OWNER	ATTENTION	ADDRESS	CITY/STATE/ZIP
GIRTON JOHN & BARBARA		PO BOX 869	ANCHOR POINT, AK 99556
GORMAN JAMES		PO BOX 1239	ANCHOR POINT, AK 99556
BROOK THOMAS J		PO BOX 39004	NINILCHIK, AK 99639
CLINE ANN AND RC		61 TRILLIUM TRL	UNDERWOOD, WA 98651
DRINKHOUSE MARIE L		5949 S HAYFIELD RD	WASILLA, AK 99623
CARLTON RICHARD D & MARIE		772 W 45TH AVE	KENNEWICK, WA 99337
GORDON GARY & PAMELA		PO BOX 876130	WASILLA, AK 99687
MILLARD DANIEL C		2266 PANORAMA WAY W	GUNTERSVILLE, AL 35976
SHERIDAN GARY L & EILEEN D		35060 DAVNER ST	ANCHOR POINT, AK 99556
BAKER R O	ROBERT O BAKER II TRUSTEE	PO BOX 661	ANCHOR POINT, AK 99556
VICKEY HODNIK		PO BOX 870	ANCHOR POINT, AK 99556
HORTON DON & LORI		35031 MOFFIT LN	ANCHOR POINT, AK 99556
DON HORTON		221 ELLEN CIR	ANCHOR POINT, AK 99556
GEORGE KRIER		PO Box 2552	ANCHORAGE, AK 99515
TESAR DAVID J & BONITA G		PO BOX 1165	HOMER, AK 99603
WARTBURG MICHAEL G		PO BOX 871567	ANCHOR POINT, AK 99556
SHARON FROMONG		PO BOX 849	WASILLA, AK 99687
YALE MARK & LEE		PO Box 429	ANCHOR POINT, AK 99556
YALE MARK & LEE		74140 SEAWARD AVE	ANCHOR POINT, AK 99556
BILBEN HANS & JEANNE		PO BOX 1176	ANCHOR POINT, AK 99556
BRNA PHILIP J		5601 E 98TH AVE	ANCHOR POINT, AK 99556
COOWE WALKER	KBNERR	2181 KACHEMAK DR	ANCHORAGE, AK 99507
SPARKMAN JOSEPH J & DENISE		PO BOX 767	HOMER, AK 99603
SPARKMAN JOSEPH J & DENISE		73884 SEAWARD AVE	ANCHOR POINT, AK 99556
LORRI DAVIS		PO BOX 946	ANCHOR POINT, AK 99556
GREGORY DAVID & TERESA ANN JACOBSON		PO BOX 904	ANCHOR POINT, AK 99556
SHIRLEY GRUBER		73510 TWIN PEAKS LP	ANCHOR POINT, AK 99556
SHIRLEY GRUBER		13701 ERVIN RD	ANCHOR POINT, AK 99556
PATRICK MIKE & LINDA		PO BOX 335	ANCHORAGE, AK 99516
ALEXANDER TOM & PATTY		785 CASCADE CT	ANCHOR POINT, AK 99556
JOSEPH ALLRED		PO BOX 708	PALMER, AK 99645
ROBERT W CORBISIER		500 L ST SUITE 300	HOMER, AK 99603
COSMAN TERESA		PO BOX 563	ANCHORAGE, AK 99501
DAVID DRIGGERS		PO BOX 745	ANCHOR POINT, AK 99556
MARIE HERDEGEN		69195 KAREN CIR	ANCHOR POINT, AK 99556
HOMER SOIL & WATER CONSERVATION DIST		432 E PIONEER AVE, STE D	HOMER, AK 99603
OLIVER RICK		PO BOX 1444	ANCHOR POINT, AK 99556
REID JIM & SUSAN		PO BOX 85	ANCHOR POINT, AK 99556
REID JIM & SUSAN		73820 SEAWARD AVE	EVERGLADES CITY, FL 34139
LEAH & BILL SCOTT		PO BOX 1193	EVERGLADES CITY, FL 34139
CARLA MILBURN		66090 MOOSEWOOD CT	ANCHOR POINT, AK 99556
BRANTLEY MICHAEL		PO BOX 950	ANCHOR POINT, AK 99556
CULLIP GARY		1523 SW 58TH LN	CAPE CORAL, FL 33914
TODD BAREMAN		PO BOX 1462	ANCHOR POINT, AK 99556
TODD BAREMAN		74294 ANCHOR POINT RD	ANCHOR POINT, AK 99556

[captainboomer@hotmail.com](mailto:captainboomer@hotmail.com)

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R. O. Baker II <robkleen@acsalaska.net>  
[mailto:homerdental@homer.net](mailto:mailto:homerdental@homer.net)  
AK Don H <hortons6@gmail.com>

Mark Yale <markyale2001@yahoo.com>  
Mark Yale <markyale2001@yahoo.com>  
Hans <catchalaska@alaska.net>  
Phil Brna <fishyeak@gmail.com>  
Coowe Walker <cmwalker9@alaska.edu>  
Joseph Sparkman <jay1332@att.net>

Lorri Davis <homesteadart@gmail.com>  
David Gregory <davidgregory0754@gmail.com>  
shirley gruber <shirleytdx@yahoo.com>  
shirley gruber <shirleytdx@yahoo.com>  
Linda Patrick <mlpatrick335@yahoo.com>  
Tom Alexander <pmedic1588@yahoo.com>  
Joseph Allred <hungryegret@outlook.com>  
[rob@reevesamodio.com](mailto:rob@reevesamodio.com)  
[sleepybear@alaska.net](mailto:sleepybear@alaska.net)  
David Driggers <david.driggers@gmail.com>  
[marleherdegen@icloud.com](mailto:marleherdegen@icloud.com)  
[malito:kyra@homerswcd.org](mailto:malito:kyra@homerswcd.org)  
L Rick Oliver <roliverb747@me.com>

Bill Scott <naturesventures@gmail.com>  
Carla Milburn <cjm2@me.com>

PETE KINNEEN  
BLAIR GERALD  
BOB SHAVELSON  
OVERSON ELDON  
WHITMORE LYNN  
XOCHITL LOPEZ-AYALA  
ELMALEH JOSHUA L  
ISENHOUE LAUREN  
Gina M. DeBardelaben  
EMMITT TRIMBLE  
CARLTON RICHARD D  
STEVE HABER  
Marie Carlton

BEACHCOMBER LLC

34969 DANVER ST  
PO BOX 978  
3734 BEN WALTERS LN  
PO BOX 1318  
PO BOX 355  
PO Box 2552  
PO BOX 542  
PO BOX 317  
PO Box 468  
PO BOX 193  
722 W 45TH AVE  
PO BOX 2429  
PO Box 29

ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
HOMER, AK 99603  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
HOMER, AK 99603  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
SOLDOTNA, AK 99669  
ANCHOR POINT, AK 99556  
KENNEWICK, WA 99337  
HOMER, AK 99603  
Anchor Point, AK 99556

[Biocharalaska@gmail.com](mailto:Biocharalaska@gmail.com)

Bob Shavelson <bob@inletkeeper.org>

Gina DeBardelaben <ginadebar@mcjane-g.com>  
Emmitt Trimble <emmitttrimble@gmail.com>

**MEETING PACKET**

**&**

**DESK / LAY DOWN PACKET**

**JULY 16, 2018**

**(Please note that some information has been  
dispersed throughout the record so that  
there was not duplicate information.)**

**AGENDA ITEM F.**      **PUBLIC HEARING**

**4. Conditional Land Use Permit for a Material Site; Anchor Point Area**

**STAFF REPORT**

**PC MEETING: July 16, 2018**

**Applicant:** Beachcomber LLC

**Landowner:** Beachcomber LLC

**Parcel Number:** 169-010-67

**Legal Description:** Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.

**Location:** 74185 Anchor Point Road

**BACKGROUND INFORMATION:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

The submitted site plan indicates that the material site haul route will be Denver Street, which is a Borough maintained road. The site plan and application proposes the following buffers:

- North: 6-foot high berm except along the east 400 feet where a 50-foot vegetated buffer is proposed.
- South: 6-foot high berm.
- East: 6-foot high berm.
- West: Greater than 50-foot vegetated buffer.

The application indicates that the depth to groundwater is 20 feet and that the depth of the proposed excavation is 18 feet. The groundwater depth was determined by a test hole on the property and exposed surface water to the north. The site plan indicates that the processing area is 300 feet from the south and east property lines. It is greater than 300 feet from the west property line. A waiver is being requested from the north property line. The site plan indicates that the proposed processing area is located 200 feet south of Parcel 169-022-08, which is undeveloped. Parcel 169-022-04 is developed and located within 300 feet of the proposed processing area; this parcel is owned by the applicant's daughter. Staff does not recommend approval of the processing distance waiver request.

The site plan indicates that there are several wells located within 300 feet of the parcel boundaries but none within 100 feet of the proposed excavation area. The site plan indicates 100-foot setback from the wetlands area located in the northeast corner of the property and that this setback will provide protection via phytoremediation of any site run-off prior to entering the surface water. The site plan also indicates that the Alaska DEC user's manual, Best Management Practices for Gravel/Rock Aggregate Extraction Projects, Protecting Surface Water and Groundwater Quality in Alaska, will be utilized as a guideline to reduce potential impacts to water quality.

The application states that reclamation will be completed annually before the growing season ends (September) and that seeding will be applied as necessary each season to areas that achieve final grade in order to minimize erosion and dust. The applicant estimates a life span of 15 years for the site with an approximate annual quantity of less than 50,000 cubic yards.

Much of the vegetation was removed from this property 20-30 years ago. The neighboring properties adjacent to the southeast corner of the proposed material site are at a higher elevation than the subject property. The proposed 6-foot high berm alone will do little to minimize the visual impact or noise disturbance to other properties. Staff recommends that a 50-foot vegetated buffer be required adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer. Staff also recommends that a 50-foot vegetated buffer be required adjacent to the Echo Drive right-of-way



and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer. Staff recommends that a 12-foot high berm be placed along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm should take place prior to removing the existing vegetation in the western portion of the material site.

**PUBLIC NOTICE:** Public notice of the application was mailed on June 22, 2018 to the 200 landowners or leaseholders of the parcels within one-half mile of the subject parcel. Public notice was sent to the postmaster in Anchor Point requesting that it be posted at their Post Office. Public notice of the application was published in the July 5, 2018 & July 12, 2018 issues of the Homer News.

**KPB AGENCY REVIEW:** Application information was provided to pertinent KPB staff and other agencies on July 6, 2018.

#### **ATTACHMENTS**

- Conditional Land Use Permit application and associated documents
- Aerial map
- Area land use map
- Ownership map
- Contour map

#### **FINDINGS OF FACT**

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On June 4, 2018 the applicant, Beachcomber LLC, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 169-010-67, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed disturbed area is approximately 27.7 acres.
6. A public hearing of the Planning Commission was held on July 16, 2018 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
7. The site plan indicates that the processing area is 300 feet from the south and east property lines and is greater than 300 feet from the west property line. A waiver was requested from the north property line. The site plan shows the proposed processing area being 200 feet south of Parcel 169-022-08, which is undeveloped. Parcel 169-022-04 is developed and located within 300 feet of the proposed processing area; this parcel is owned by the applicant's daughter. A 200-foot separation distance to the property boundaries for the processing area is not sufficient to minimize noise disturbance to other properties.
8. The proposed extraction meets material site standard 21.29.040(A1); "Protects against the lowering of water sources serving other properties", as evidenced by:
  - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
  - B. The submitted site plan shows several wells located within 300 feet of the parcel boundaries but none within 100 feet of the proposed excavation area.
  - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high water table.
  - D. The application indicates that the depth to groundwater is greater than 20 feet and that the depth of the proposed excavation is 18 feet.
  - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
9. The proposed extraction meets material site standard 21.29.040(A2); "Protects against physical damage to other properties". There is no evidence in the record to indicate that physical damage will occur to any other properties as a result of the operations of a material site at this location.
10. The proposed extraction meets material site standard 21.29.040(A3); "Minimizes off-site

movement of dust", as evidenced by:

- A. Permit condition number 13 requires that the permittee provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. The proposed extraction meets material site standard 21.29.040(A4); "Minimizes noise disturbance to other properties" as evidenced by:
  - A. Permit condition number 2 requires that the permittee maintain the following buffers that will reduce the noise disturbance to other properties:
    - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
    - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
    - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
    - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
    - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
    - 6-foot high berm along the northern property as shown on the site plan.
  - B. Permit condition number 5 requires that the processing area be located greater than 300 feet from the property boundaries.
12. The proposed extraction meets material site standard 21.29.040(A5); "Minimizes visual impacts" as evidenced by permit condition number 2 that requires that the permittee maintain the following buffers that will reduce the visual impacts to other properties:
  - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
  - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
  - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
  - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
  - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
  - 6-foot high berm along the northern property as shown on the site plan.
13. The proposed extraction meets material site standard 21.29.040(A6); "Provides for alternate post-mining land uses" as evidenced by:
  - A. The submitted application contains a reclamation plan as required by KPB 21.29.060.
  - B. The applicant has submitted a reclamation plan that omits KPB 21.29.060(C3), which requires the placement of a minimum of four inches of topsoil with a minimum organic content of 5% and precludes the use of sticks and branches over 3 inches in diameter from being used in the reclamation topsoil. These measures are generally applicable to this type of excavation project. The inclusion of the requirements contained in KPB 21.29.060(C3) is necessary to meet this material site standard.
  - C. Permit condition number 15 requires that the permittee reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.

#### STAFF RECOMMENDATION

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be

met and recommends that the Planning Commission deny the processing distance waiver request, approve the conditional land use permit with listed conditions, and adopt the findings of fact subject to the following:

1. Filing of the PC Resolution in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.
2. The Planning Department is responsible for filing the Planning Commission resolution.
3. The applicant will provide the recording fee for the resolution to the Planning Department.
4. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.

#### PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries:
  - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
  - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
  - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
  - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
  - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
  - 6-foot high berm along the northern property as shown on the site plan.These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining.
9. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
12. The permittee shall notify the planning department of any further subdivision or return to acreage of this property. Any further subdivision or return to acreage may require the permittee to amend this permit.

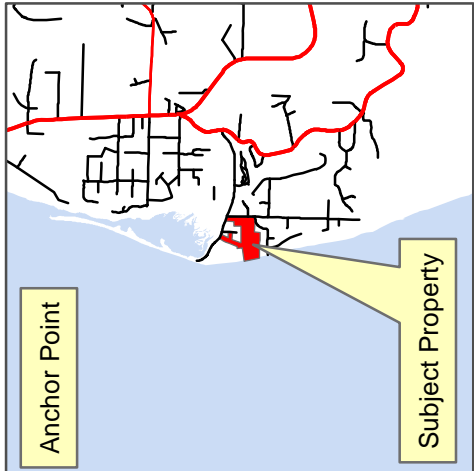
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 p.m. and 6:00 a.m.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.
16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
19. This conditional land use permit is subject to review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.50, a permit may be revoked for failure to comply with the terms of the permit or the applicable provisions of KPB Title 21. The borough clerk shall issue notice to the permittee of the revocation hearing at least 20 days but not more than 30 days prior to the hearing.
20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

**NOTE: Any party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. A "party of record" is any party or person aggrieved by the decision where the decision has or could have an adverse effect on value, use, or enjoyment of real property owned by them who appeared before the planning commission with either oral or written presentation. Petition signers are not considered parties of record unless separate oral or written testimony is provided (KPB Code 21.20.210.A.5b1). An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the \$300 filing and records preparation fee. (KPB Code 21.25.100)**


**END OF STAFF REPORT**



Parcel Number: 169-010-67  
Applicant: Beachcomber LLC




**LEGEND**

 Subject Parcel

**R24**

0 250 500 Feet

 N

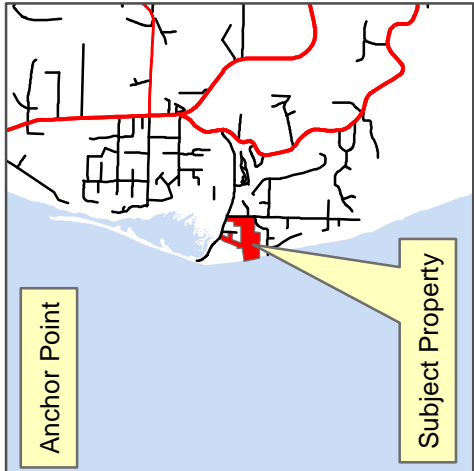
Date: 6/21/2018

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



Aerial Map

Parcel Number: 169-010-67  
Applicant: Beachcomber LLC



**LEGEND**

	Subject Parcel
	Vacant
	Residential
	Commercial
	Institutional
	Industrial
	Accessory Building

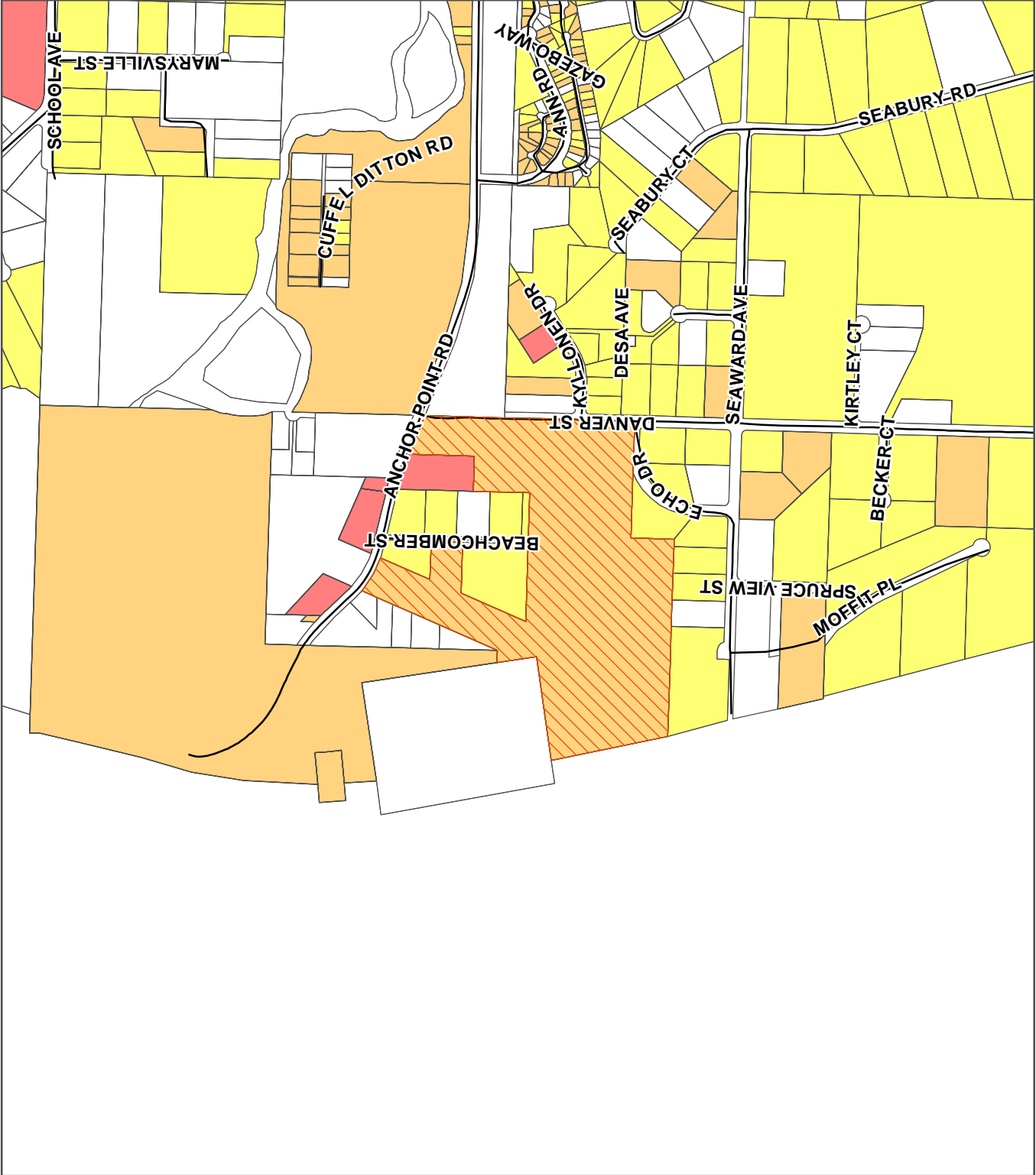
0 500 1,000 Feet

North Arrow

Date: 6/21/2018

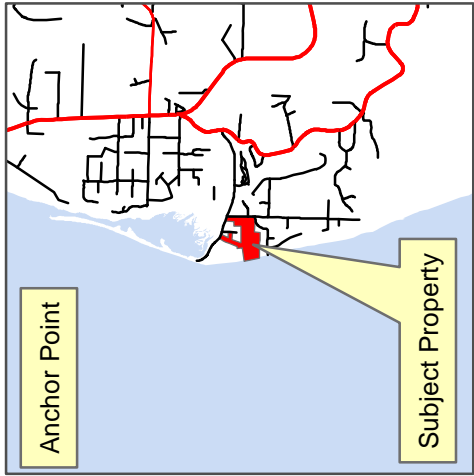
The information depicted hereon is a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

**R25**












Parcel Number: 169-010-67  
Applicant: Beachcomber LLC



**LEGEND**

**OWNERSHIP**

	Subject Parcel
	Private
	Native Allotment
	Federal
	State
	Borough
	Native

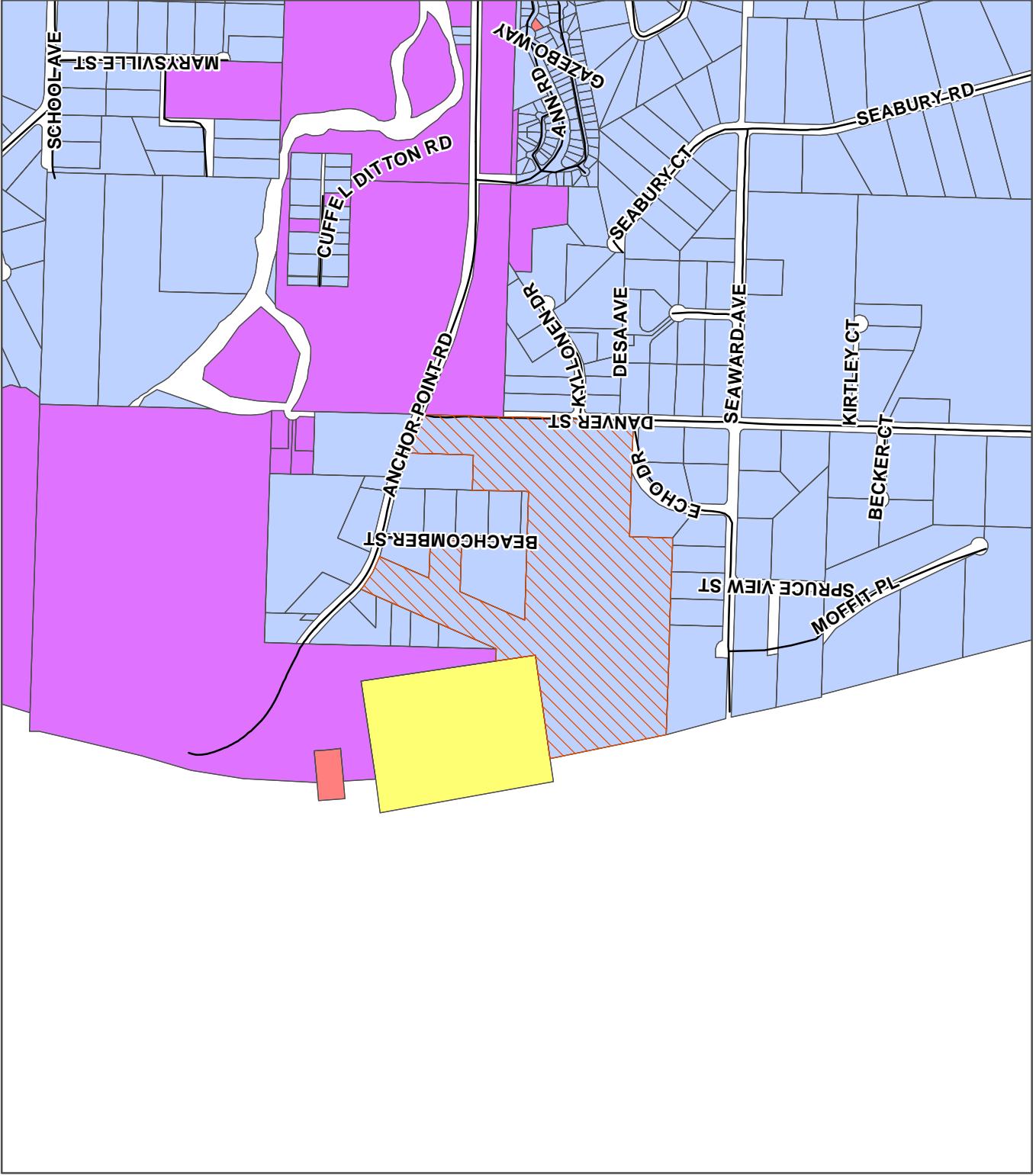
**Scale:** 0 500 1,000 Feet

**North Arrow:** N

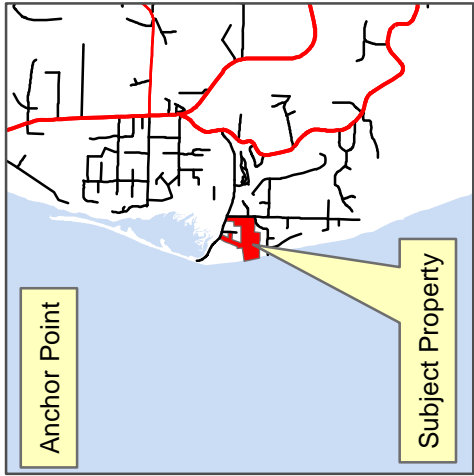
**Date:** 6/21/2018

**R26**

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



Parcel Number: 169-010-67  
Applicant: Beachcomber LLC



**LEGEND**

— 4' Contours

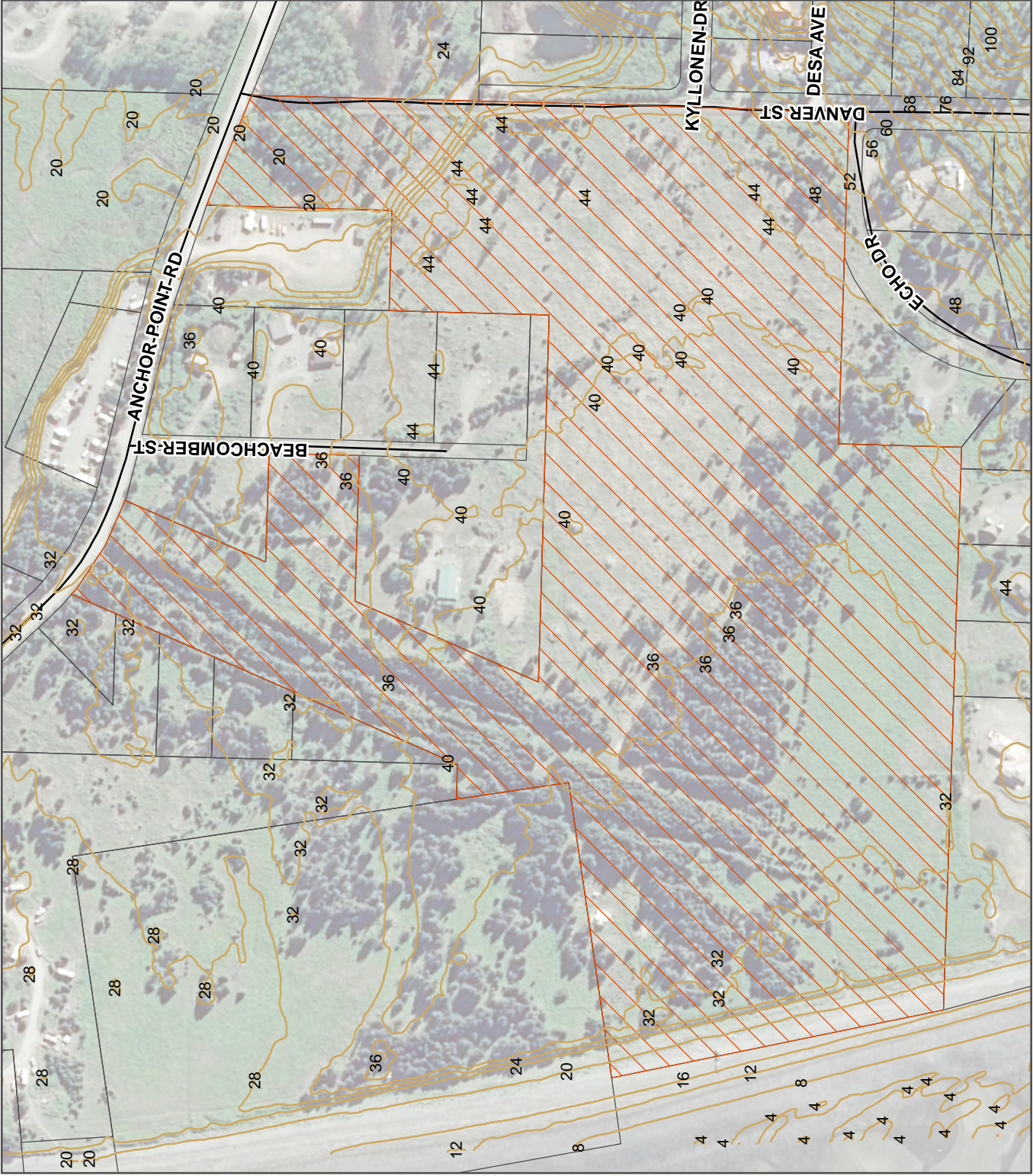
▨ Subject Parcel

0 200 400 Feet

**R27**

Date: 6/21/2018

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



Contour Map



KENAI PENNINSULA PLANNING BOARD

144 BINKLEY STREET

SOLDOTNA, AK 99669

JUNE 26, 2018

**I AND MY NEIGHBORS STRONGLY OBJECT TO THE PERMITTING OF THIS PLANNED GRAVEL PIT. THE ROADS THAT WILL BE USED BY THE THOUSANDS OF COMMERCIAL TRUCKS ARE IN DEPLORABLE CONDITION AND WITH THE PLANNED TRUCK TRAFFIC IN AND OUT OF THIS PIT THE ROADS WILL BE DESTROYED. UNLESS BEACHCOMBER LLC POSTS A BOND TO REPLACE AND MAINTAIN THE ROADS THAT THE TRUCKS WILL BE TRAVELING, THIS PERMIT SHOULD NOT BE GRANTED. THE PLANNING BOARD OWES THE RESIDENTS AND CURRENT USERS OF THESE ROADS THE PROTECTION THEY ARE ENTITLED TO FROM BEACHCOMBER LL WHO WILL DO NOTHING BUT RAPE THE LAND AND LEAVE AN UNSIGHTLY MESS AND HOLE IN THE GROUND.**

IF THE COMMERCIAL TRUCKS ARE ALLOWED TO USE "THE BEACH ROAD" IT WILL CAUSE HUGE PROBLEMS WITH THE BOATS THAT TRAVEL THIS ROAD TO AND FROM THE TRACTOR LAUNCH WHICH IS A CRITICAL PART OF THE ANCHOR POINT ECONOMY.

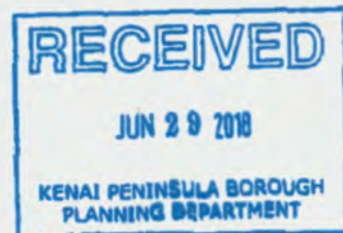
JOHN AND BARBARA GIRTON

PO BOX 869

73460 TWIN PEAKS LOOP

ANCHOR PONT, AK 99556

*John R. Gorton*  
*Barbara Gorton*



## Wall, Bruce

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**From:** james gorman <captainboomer@hotmail.com>  
**Sent:** Tuesday, June 26, 2018 8:31 AM  
**To:** Wall, Bruce  
**Subject:** Beachcomber LLC gravel pit

Dear Chairman-

I received a letter yesterday regarding this proposed development. Although I have no objections to the extraction of the materials from this site, I do have reservations about the transport of same. The corridor, what we call the beach road, is a narrow two-lane road in serious need of an upgrade. The pavement is separating in several places and it has very narrow shoulders, making it hazardous to pedestrians when two wide vehicles travel in opposite directions. Given that there is a popular boat launch and several RV parks along this route, this is not uncommon. Boat and Rv traffic is heavy at times during the summer months.

I would recommend wider shoulders along the beach road portion and repaving this corridor.

I also have a question about the route these trucks would take. Would they cross the Anchor River bridge or use the Old Sterling? If the bridge, I have concerns about it's integrity and it's narrow width. The Old Sterling is another road in need of an upgrade if that is the route taken.

In conclusion, my concerns are about conflicts in the corridor with the various user groups and the poor condition of the roads.

Any addition information your could forward to me on these matters would be appreciated.

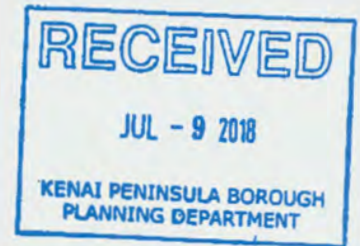
Sincerely,

James Gorman  
Anchor Point

Sent from my iPad

Thomas J Brook  
PO Box 39004  
Ninilchik, AK 99639

July 1, 2018



Planning Commission Chairman  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669

To Whom It May Concern,

I am in receipt of the KPB Planning Commission Notice of Public Hearing on the proposed sand, gravel and peat extraction request by Beachcomber LLC, Parcel No 169-010-67 at 74185 Anchor Point Road.

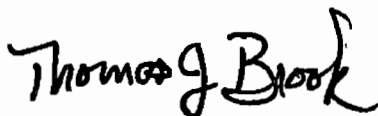
I will not be available on July 16 to attend the meeting and give oral testimony, thus this letter should serve as my input. I am **vehemently and adamantly opposed to the issuance of a permit for sand, gravel, and peat extraction on this site.** Such an endeavor will dramatically detract from the property I currently own abutting Echo Drive and Spruce View Street. This is a developing home site community and the currently existing homes and home values would be seriously devalued should a permit of this type be granted in this area. The deterrents to ~~lot sales~~ and existing homes would be numerous but some of the most serious would be the devaluation of property, the ugly sight of a gravel pit from the road, specifically Denver Street which I use to access Echo and Spruce View Streets, plus along Anchor Point Road, the daily noise of a "gravel pit" which, at the very least is obnoxious, and the dust generated which can have a serious impact on anyone with allergies or lung conditions aggravated by dust and dirt (pollutants) in the air, not to mention the housekeeping nightmares. There is also no way to measure the damage to the ground and surrounding ground with the gravel pit activity and you can't possibly tell me or others that this absolutely WILL NOT affect the ground water servicing our wells. I realize you think berms are meant to provide a barrier, however a 6 foot berm does nothing to alleviate or eradicate the above listed concerns. I don't think it's adequate to say that the Planning Commission approve the conditional land use permit because all six standards have been met.

There's far more at stake here than just meeting the borough's six standards. This is no longer the wild west of Alaska and because Anchor Point has not traditionally been a highly populated area does not automatically make it eligible for a gravel pit land use off Anchor Point Road.

I am shocked that this proposal is even being given consideration. This area has been growing in popularity as a housing area of development for many years now, especially view lots and beachfront (both high and low bluff) and is a highly inappropriate area to put a pit. The Planning Department should have denied this usage request before it even got to this stage. Just imagine for a moment if this were your home or your valuable property and now the view you have from any surrounding hill is this gravel pit. Would you allow this proposal in your neighborhood? I think not, so just because an application meets your technical criteria does not mean it's an appropriate or even necessary usage type. I completely understand the pressure exerted to grant this permit because the owner(s) of this land are obviously anxious to make the potential money, as gravel pits are trying to pop up seemingly everywhere in the borough as very lucrative endeavors. However, this particular one is at the expense of the homes, people and potential for land development in this immediate area. I don't think that can be ignored nor sacrificed for the lucrative potential of a gravel pit just because your criteria does not specifically prohibit this activity.

Again, I cannot stress this point enough, I do not, cannot, and will not support the application for a gravel pit as proposed. Please reconsider your inclination and recommendation to approve this permit.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Brook". The signature is written in a cursive, slightly stylized font.

Thomas J. Brook

Friday, July 6, 2018

Mr. Bruce Wall  
Planner  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669

Dear Mr. Wall,

We are writing to you on behalf of our small community of Anchor Point neighbors who are upset about a proposed sand, gravel, and peat extraction permit submitted by Emmitt and Mary Trimble of Beachcomber LLC/Coastal Realty. The 40+ acre property in question is located on the west side of Danver St. between Anchor River Road and Echo. We respectfully request that you reconsider your draft recommendation of approval and reject the proposed permit.

We are sorry we cannot be present at your public hearing to be held July 16, 2018 in Soldotna at 7:30 P.M. Unfortunately, Richard and I are already obligated in Washington State, but we hope that this letter can be read to those present at the meeting. The following are our key concerns:

[1] Visual enjoyment of property

Currently, the hillside view overlooking the proposed gravel pit is of a lovely green meadow, spruce and alder trees, and spectacular Cook Inlet and Alaska Range beyond. A dusty gravel pit is not what we had in mind when we purchased our lots here. Those neighbors who abut the property are naturally quite concerned about the potential loss of property value as well as the aesthetics of losing their Alaskan green space. Of course we would all be thrilled to have enough money to purchase enough acres to completely ensure our privacy and solitude. Not being in a financial position to do so, we have trusted our realtors to speak the truth about the land we consider purchasing. We trust the borough officials to protect our interest and desire to live peacefully with our neighbors. We hope that we can together find a solution that will render everyone contented. Surely there must be a suitable, alternative location that the Trimbles can find to locate their sand, gravel, and peat business that does not so negatively impact local Alaskan residents.

[2] Noise

Alaskans take pride in the beauty of their land. Some, like Richard and I, love the pastoral setting and mountain views afforded by a hillside home. Others

prefer the quiet solitude of a home nestled hidden among spruce and alder. **ALL** of us are adamantly opposed to an unpleasant drone of gravel excavators, machinery, and dump trucks next door. Several years ago when the Trimble cleared the property, there was a constant obnoxious noise from heavy equipment, easily heard from all surrounding properties. As you review the proposed three phases of sand, gravel, and peat extraction, we implore you to consider thoughtfully the full import of your decision on our neighborhood as well as the precedent it could set for future Kenai Peninsula communities.

[3] Dust

Richard and I have built our cabin over the past four summers. We have experienced first hand the weather and winds here in Anchor Point. We can appreciate the dismay of Marie Drinkhouse, Lee and Mark Yale, Bob Baker (to name a few) when they were apprised of the proposed permit application. The Anchor Point winds would carry excavation dust, dirt, and debris straight south to their houses. All of us within at least a half mile would be negatively effected by the dust pollution created by such an operation. Today is a sunny, clear day. I hate to imagine what the air would smell, taste, look, or feel like with an excavation project underway.

We understand that there are several sand, gravel, and peat excavation permits under current consideration. Each will succeed or fail on its individual merits or problems. We hope that as you deliberate and examine the concerns, goals, and plans of all parties involved, you also include the honorable aspect of this issue. When all is said and done, it is our hope that everyone will feel good about the outcome. Perhaps someone can offer the Trimble assistance in locating a more suitable location for the business of sand, gravel, and peat. In the end, we are neighbors and a community that wants the best for each and every citizen.

Thank you for your consideration, Mr. Wall. We look forward to hearing from you. If there is anything else we can do to plead our case, please let us know.

Respectfully,

Ann and RC Cline

## Wall, Bruce

---

**From:** Rokos, Jay M (DNR) <jay.rokos@alaska.gov>  
**Sent:** Friday, July 6, 2018 1:41 PM  
**To:** Wall, Bruce  
**Subject:** Re: KPB CLUP Material Site Application - Parcel 169-010-67  
**Attachments:** Reclamation Plan.pdf

Bruce,

Thank you for the opportunity to comment on the subject public notice. Per AS 27.19, a mining operation must have Reclamation Plan approval with the State of Alaska prior to operations. This requirement is for all land ownerships.

To date, DNR does not have an approved Reclamation Plan for the subject parcel. DNR requests for the applicant to apply for a Reclamation Plan at the Southcentral Regional Office at 269-8503. An application is attached.

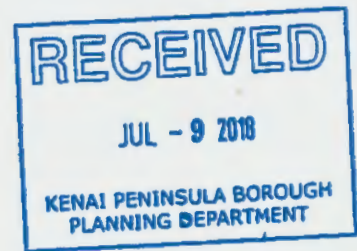
**Applicant:** Beachcomber LLC  
**Landowner:** Beachcomber LLC  
**Parcel Number:** 169-010-67  
**Legal Description:** Tract B, McGee Tracts – Deed of Record Boundary Survey (Plat 80-104) – Deed recorded in Book 4, Page 116, Homer Recording District

Jay Rokos  
Natural Resource Technician II  
Alaska Department of Natural Resources  
Division of Mining, Land and Water  
Southcentral Region Office  
Leasing Unit  
550 W. 7<sup>th</sup> Ave. Suite 900C

Phone: (907) 269-5047  
Fax: (907) 269-8913



July 6, 2018



Bruce Wall, AICP  
Planner  
Planning Commission Chairman  
144 N Binkley Street  
Soldotna, AK 99669

Re: Parcel Number 169-010-67, 74185 Anchor Point Road

I would like to pose some questions and concerns on this proposed gravel pit.

Is DEC involved in this process?

Is Beachcomber LLC required to submit a 15 year time line action plan?

Are there other places in the area where this process has been completed and the reclamation process also complete? It would be nice to see this process at various stages. Does the applicant have a history in this type of endeavor? Could we see one of their reclamations?

What are the hours of operation and the usual season of operation? Will the truck traffic be going over the old bridge?

What type of soil is left after this process? What is the reclamation process?

With the tides rising over extended periods of time and this lowering the land by 10 feet close to the inlet don't you have some concern for the long term affect?

There has to be someplace further away from the water and further away from homes that could provide these resources!

How does Fish and Game feel about this operation? Poor Anchor Point has so struggled to get tourism going in the area and this surely can't help the cause.

Does the Anchor Point Chamber of Commerce know about this?

Have you walked the property? What happens to the trees on the property?

Thank you for taking my concerns into consideration. I look forward to your thoughtful answers.. I own the property @ 34925 Echo Drive in Anchor Point.

Marie Drinkhouse  
5949 S Hayfield Road  
Wasilla, AK 99623  
907-3540847



**Wall, Bruce**

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**From:** Carver, Nancy  
**Sent:** Friday, July 6, 2018 1:30 PM  
**To:** Wall, Bruce  
**Subject:** RE: KPB CLUP Material Site Application - Parcel 169-010-67

No Habitat concerns

Nancy Carver  
Habitat Resource Planner  
907-714-2463  
[ncarver@kpb.us](mailto:ncarver@kpb.us)

**KENAI PENINSULA BOROUGH**  
**514 Funny River Road**  
**Soldotna, Alaska 99669**



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

## Wall, Bruce

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**From:** Marie Carlton <seaburyroad@live.com>  
**Sent:** Sunday, July 8, 2018 11:32 PM  
**To:** Wall, Bruce  
**Subject:** regarding the proposed Beachcomber LLC Gravel Pit site

Dear Bruce, My husband and I live at Parcel 16936027, 73500 Seabury Rd. T5S R 15 W Sec 9 Seward Meridian HM 2001035 Meadow View Estates Tract 15A. We are responding to the public announcement document provided to us by the Kenai Peninsula Borough June, 22 2018 and wish to respond and object to the Beachcomber LLC application as stated. We have grave concerns about the proposed "Gravel Pit." We have a retirement home with a substantial investment and chose Alaska for its beauty, wildlife and solitude. The reviewed documents do not reflect an environmental impact study regarding the proposed "Gravel Pit." This proposed "Gravel Pit" will run the risk of negatively impacting wildlife and wetlands. This is a critical Moose calving area as well as Bald Eagle nesting sites. With rock crushing, dust and noise, we will lose the very reason we chose Alaska as a place to retire. This would terminate the beauty of the wildlife we value and enjoy. With children bicycling, walking to the beach the increased truck congestion may reveal disastrous results. The Anchor Road is always congested but with increased traffic, a failing, narrow road with no path to walk, the risks of a fatality increase substantially. I have witnessed current loaded rock trucks rarely adhering to the speed limit. The dust pollution will affect many areas. We don't look forward to the smell, taste and appearance of blowing dust. This not why we chose Alaska. In Alaska we love the quiet, beauty and solitude of our home and not the unpleasant drone of truck engines and rock crushers. I believe the property value of our homes will plummet. Who wants to purchase a home with a gravel pit in their backyard? We hope you will not approve the application for Beachcomber LLC. We have worked very hard to be able to retire in this beautiful area. Thank you for allowing us a voice. Rick and Marie Carlton 509-430-4304  
seaburyroad@live.com

## Wall, Bruce

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**From:** Gary L. Gordon <garygordon4@gmail.com>  
**Sent:** Monday, July 9, 2018 12:55 PM  
**To:** Wall, Bruce  
**Subject:** Fwd: Beachcomber LLC Gravel Pit Application

>> My name is Gary L. Gordon, my wife Pamela C. Gordon and I own an assessed \$280,000 view home at 34919 Fisher Court, directly above the proposed gravel pit. We also own two more lots off Danver and High Seas Court, assessed at over \$120,000. We don't want a gravel pit in our view, nor the additional traffic on Danver, resulting in excessive noise and dust. I own and operate a commercial gravel pit here in Dillingham, AK. They are noisy and dusty even if the operator or operators of the gravel pit maintain the public roads. Applicant is not going to operate this gravel pit, nor does he have the experience or equipment to develop the pit. He intends to sell gravel to highest bidder; therefore, if a project, say Anchor Point Bridge comes out to bid, applicants representative will solicit his gravel pit as the extraction source. The contractor will most likely use it, for it is the closest source. That contractor will further develop the source, move man camp in, job trailers, offices, rock crushing plant and an asphalt plant. They will work 84 hours a week, maybe more if weather hinders paving operation. We the land owners and tax payers now get an asphalt smoke screen and an enormous amount of noise and dust blown on us from tidal winds through the summer.

>> Developing the proposed commercial gravel pit operation in heart of the only recreation site Anchor Point has, is not acceptable. There are State camping parks, boat launch facilities, private RV parks and guiding businesses, plus us the home and land owners that will be adversely affected. Locals, other Alaskans and visiting tourists all travel these wore out roads and bridge now, putting fifty or more loaded dump trucks on these roads a day is going to ruin them. Our State has no funding to repair or rebuild this infrastructure that our lives require to occupy our homes and businesses.

>> Another serious consideration is line 7 on page 2 of 4 of permit, gravel extraction into OUR water table, stated again on page 4, monitoring wells. This has a potential to be very bad for all surrounding owners and businesses.

>> I hope the federal land owners between this site and the beach have been notified, as well as the wet land issues north of this site.

>>

>> Bottom Line, This is not good for Anchor Point it's residents or businesses.

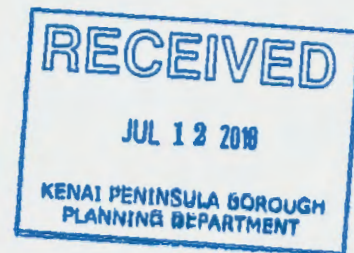
>>

>> Cordially, Gary L. Gordon

>>

>>

Dan and Cathy Millard  
35060 Denver St  
Anchor Point, AK 99556



July 9, 2018

Dear Planning Commission Chairman,

In regards to the proposed gravel pit, please address that this is in the middle of recreational and residential area. Also, the road is weak and broken already. At times it has extremely heavy traffic as well as pedestrian traffic with no shoulder or walking trails.

There is the problem of silt generated from the pit flowing to wetlands which will not be able to be controlled.

The view property in the area will need to be reassessed for the change of value, as part of the view becomes a large hole/gravel pit.

We are extremely against this proposed gravel pit. It will forever change a much loved and used recreational area as well as devalue residential property.

Kind regards,

Dan and Cathy Millard

R39

July 9, 2018

Planning Commission Chairman  
144 N. Binkley St.  
Soldotna, Alaska. 99669

Re: Public Testimony Regarding Beachcomber LLC's Application for a Permit for Sand, Gravel, and Peat Extraction on A Portion of Parcel Number 169-010-67, Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104), Location: 74185 Anchor Point Road

Dear Planning Commission:

We are property owners and Party of Record in the vicinity of the above proposed "Gravel Pit". Our property is located at 34860 Seabury Court, Anchor Point, Alaska 99556 ( Lot 6-A Silver King Ten, Plat No. 97-41 Homer Recording District). We built our house here in 2004 and have a substantial investment in our property and home.

We are deeply concerned about the proposed "Gravel Pit" and wish to document our objection to the Beachcomber LLC's application as described in public announcement provided us by the Kenai Peninsula Borough June 22, 2018.

**Environmental Impact Statement:**

There is no reference to there being an Environmental Impact Statement regarding the proposed location of the "Gravel Pit". While the Borough may not deem it is required for this proposal, it is evident that the proposal will effect wildlife and birds in the area which includes the wetlands.

Moose: The specific location and surrounding area is an annual moose calving and rearing area. We know this to be a fact as having lived here for 14 years. Each year, cow moose wander throughout the proposed extraction area and across all the extraction area boundaries to give birth to young moose. This is a critical time for young moose as they are literally born in this area and are nursed and oversaw by cow moose until they are able to fend for themselves. In the 14 years we have lived here, we have personally observed more and more habitats made less available to cow moose birthing due to new home construction and other development. They are extremely sensitive to noise and human activity during this period. There's also concern that cows may abandon their young if enough pressure is brought to bear as proposed by this "Gravel Pit" application.

Birds and Small Game Animals: The specific location and surrounding area is home to numerous birds and small wild animals. From the smallest Chickadee to the largest eagle, they use this area daily and are seen throughout the proposed "Gravel Pit" site. We have personally observed Eagles abandon their nests with young in them due to too much human activity and noise. While there may not be a large number of Eagle nests immediately in the proposed site boundaries, there may be, but we know there are a number of Eagle nests in adjacent locations.

The addition of a 'Rock Crusher' in the project will exacerbate the already large impact of noise and activity many birds and wildlife can't withstand. The noise and intrusion of a 'Rock Crusher' in this critical moose calving area will do immeasurable harm to them.



The area being proposed as a "Gravel Pit" is a disastrous breach of our husbandry of Alaska's bird and wild life. It is near to the State Park and camp ground and world renown fishing river.

If an Environmental Impact Statement isn't demanded by the Kenai Borough regarding this application then we question the integrity of the Borough's interest in the proposed project.

### **Public Safety:**

The Anchor River Road (from the Anchor River Bridge/Old Sterling Highway to the end of it at the Tractor Launch is narrow and in complete disrepair. Major pavement cracks, pot holes, heaving, and other roadway hazards currently exist. During the summer heavy traffic from commercial fishing charters, tourists, and local residents battle these bad road conditions.

The roadway is extremely narrow without any significant shoulders for pedestrians, and bike riders to get away from the heavy summer traffic. There are a number of "blind" corners making even more dangerous for people walking or bike riders. While this roadway is posted with a 25 mile per hour speed limit, very few drivers observe the limit and often are traveling at least 35 miles per hour and even more.

With the proposed application, the applicant will be introducing another layer of traffic to an already problematic roadway. However, this won't be light weight vehicles. They will be at minimum, large dump trucks filled with heavy loads of gravel and sand. In fact, there is no restrictions regarding the size of heavy trucks that can be used. If it's in the applicant's interests to haul using large 'belly dump' rigs he'll likely do so. Regular 'dump trucks' will soon tear up the Anchor River Road to the point it will be unusable for all of us. Lets face it, dump truck operators are on the clock and inevitably push the speed limit as it is. Already, with the limited amount of dump truck use of the Anchor River Road, we observe them driving well over the 25 mph speed limit.

Even if the Anchor River Road surfaces were brought up to standard, there would continue to be a major public safety issue due to the lack of shoulders and blind corners making pedestrian and bike traffic perilous.

No where in the proposed application are these problems addressed. For these reasons alone, we oppose the application for a 'Gravel Pit' in this area.

If the Borough is insistent upon granting this permit, then the applicant and/or Borough should provide a new roadway from Denver to the Old Sterling Highway, thereby, eliminating the Anchor River Road from the equation. There has been a proposal to make this connection by extending Seaward Avenue to the Old Sterling for a number of years.

At minimum, the Kenai Borough should photographically document the existing condition of the Anchor River Road prior to the applicant's engaging in and hauling activity in order to ensure applicant's compliance with KPB 14.40.175 and KPB 14.40 .

### **Property Values:**

When we built our home in 2004, the area adjacent to the proposed "Gravel Pit" was little developed and there were very few homes in our area. We selected our home site understanding that Anchor Point was a tourist destination to enjoy the Anchor River fishing and the beautiful flora and fauna found here. Our home location was and remains relatively quiet and peaceful. We have a secondary view of Cook Inlet and our home's value has increased

substantially since we built it. There was no 'talk' about a 'Gravel Pit' being made near our home. If there had been, we wouldn't have even considered building our house anywhere near it. Now, instead of an almost pristine environment with quiet and solitude, a beautiful river nearby, and almost constant opportunities for bird and wildlife viewing, we will be subject to a layer of human impact that can only subject our home's value to degradation. If this application granted we will be lucky to regain our original investment. No one will be interested in property that is near to a large 'Gravel Pit' operation.

**General Comments:**

1. Under discussion of groundwater as being 20' and that the depth of the proposed excavation is 18 feet, we are concerned about two issues: 1) This was apparently established by only one test hole on the proposed project site. This seems to be a very limited testing approach given that the project is over 25 acres in scope. It would seem prudent to require additional test hole at various locations throughout the project area to ensure the water table is consistent; 2) There does not appear to be any consideration related to the water table level upon the removal of all surface vegetation. It seems obvious the groundwater level will be effected by such removal. Provisions should be made to protect groundwater throughout the project and adjacent properties to the extent possible.
2. 50 foot buffer zones- We were pleased to see that the Staff have recommended these 50 foot buffer zones be required. However, we would like to see the applicant be required to create a 12 foot berm all along the East boundary of the project inside the 50 foot buffer zone if this project is going to be approved.
3. Staff have recommended that, "The permittee shall not operate rock crushing equipment between the hours of 10:00 p.m. and 6:00 a.m." It has been traditional throughout Alaska that construction activities be between the hours of 9:00 a.m. and 9:00 p.m. to give families brief periods of respite from loud noise and general neighborhood disturbances. We believe this should not only include rock crushing activities but hauling activities as well.
4. Regarding permit renewal at the end of five years, we believe it should be required that the public also be notified of a request for permit extension at least 30 days prior to the permit extension and a public hearing be held by the Borough to determine how the applicant has performed under the original permit if its given.

We wish to thank you for your consideration of our comments.

Sincerely,

Gary and Eileen Sheridan

PO Box 661  
Anchor Point, Alaska 99556

907-235-5542  
twoshar@acsalaska.net

Cc Bruce Wall, AICP  
[bwall@kpb.us](mailto:bwall@kpb.us)

## Wall, Bruce

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**From:** R. O. Baker II <bobkleen@acsalaska.net>  
**Sent:** Tuesday, July 10, 2018 5:39 PM  
**To:** Wall, Bruce; susan@reevesamodio.com  
**Cc:** leeyale2008@yahoo.com; markyale2001@yahoo.com  
**Subject:** Photos taken by you 7.02.18 / 1020 ADT

Hi Bruce,

Please insure that enlarged copies of the photos, which you took from my porch, are available for viewing at the meeting scheduled for Monday, 16 July.

Yours,

Bob

Sent from Mail for Windows 10

01C 2018:07:02 18:31:49  
327 100

R44

July 10, 2018

Borough Planning Commission,

I am writing in regard to the following agenda item: Applicant for  
Conditional Use Permit: Beach Comber LLC  
Parcel: 169-010-67  
Tract: Tract B, McGee Subdivision

I live within 500 ft. of this proposed gravel pit and am asking that the Planning Commission look hard and long before granting this permit. The community is on the Inlet and adjacent to a state park. Those of us that live there have peace and quiet, and such beautiful scenery, that it is hard to quantify how much it means to us. I am sure those that come to the park also feel that they have rarely seen anything more beautiful.

It may be news to those on the Planning Commission that many people who are living in this area are retired and have invested in new homes and have a quiet, rural lifestyle. We have much pride in our homes and gardens and love this community. This isn't just a summer fishing place where tourists come to visit. The tourists are a part of summer life but Anchor Point is a real community that is growing.

Please ask yourself if you would like to have a 40 acre gravel pit next to your home. Please make this decision as if it was your neighborhood that was about to be invaded with heavy equipment, loud noises, dirt and dust filling the air you breathe, possible loss of water in your well and loss of animals that have been habitating in that 40 acres. How would you like 5,000 loads of gravel traveling on your road that isn't designed well enough to manage the traffic it already has. How would you like to not be able to ride your bike along the road anymore, or even take a walk, because of the large equipment, including dump trucks. Remember that in that world "time is money" and these vehicles don't go slow. How would you like to think that these trucks may not keep the rules that regulate the 11 ton limit going over the old and rickety bridge that covers the Anchor River.



I have no objection to gravel pits that are isolated and away from public view. Gravel is important, but there seems to be adequate gravel pits in our area. I think a "certificate of need" should be required when so much raw land is dug up. There are, potentially, many repercussions that may ensue if this permit is granted to Beach Comber LLC, or if that corporation doesn't follow the requirements specified in the permit.

Is the borough prepared to reduce our personal property taxes? As you might imagine, the property values will go down and our availability to sell our homes will be lost too .....due to the 40 acre gravel pit just out our front door.

I ask you once again to really think this permit over as there are many, many peoples lives that will be changed due to this project. Why should one land owner's needs be met in front of the many that have lived in the community for a long time, and have so much to lose.

Thank you for the ability to express my concerns.

Sincerely,

A handwritten signature in cursive script that reads "Vickey Hodnik". The signature is written in black ink and is positioned below the word "Sincerely,".

Vickey Hodnik  
35031 Moffit Ln.  
Anchor Point, Alaska

**Wall, Bruce**

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**From:** AK Don H <hortons6@gmail.com>  
**Sent:** Tuesday, July 10, 2018 5:59 PM  
**To:** Wall, Bruce  
**Subject:** Gravel pit on Danver st in Anchor Point

Dear Sir,

My wife and I own the lot to the south of purposed gravel pit, we bought it for recreational and maybe to build on someday.

Our only view is looking across the property in question, we have great view of Mt. Redoubt it would suck to look across a gravel pit to see it. I can give you lots of reasons not to approve the permit like noise, dust, dump truck traffic on the beach access rd and danver st both of are already pos roads, a old bridge over the river that is need of repair and isn't rated for that kind of weight anyway, environmental issues to surrounding area, ground water issues to near by wells and the Anchor River, not to mention it will drop mine and everybody else's property value to almost 0. There is no way I would build a house across the street to a gravel pit and wouldn't be able to sell if I wanted to. I'm sure that no one on this planning comision would want this in their front yard like it would be in mine.

Please do not approve this permit in no fashion it will literally ruin the little slice of Heaven/Alaska that we own!

Don and Lori Horton

July 10, 2018

Borough Planning Commission,

I would like to tell you of my concern for the gravel pit permit being sought by Beach Comber LLC, of Anchor Point.

The gravel pit will potentially cover 40 acres and it located near the state park and tractor launch, and the bluff, south of the tractor launch. This area is both park and residential, with gravel roads and nice homes. These homes are expensive and have their own wells and septic systems. Vacation homes make up some of these residences and these people come to relax and enjoy the quiet and beauty of Cook Inlet and the beach.

I chose to move to Anchor Point for my retirement years; I sold everything I owned in Homer and now have invested that money in a new home. Two weeks ago the news of the gravel pit was delivered by mail. If that pit happens, my land values will decrease, and no one would want to buy my property as it is within 500 ft. of the gravel pit.

My concerns lie with the noise, dust, disruption of beautiful property, what happens to the salmon who return to this area, ground water and private wells and the danger of the dump trucks on Danver, River Road and the Old Sterling Highway. The bridge over the Anchor River is not capable of handling more than 11 tons.

Those at the borough have stated that "these permits are never withheld"....really? Do the adjoining residents not have a say about what happens in their neighborhood? Why does a new landowner have his/her desires met over those who have been there for sometime and paid considerable tax dollars to the borough. Will the borough pay the home owners for the lost value of their property due to this gravel pit?

A dramatic change like this in our neighborhood would be heart breaking and also ruin the ambiance of the state park. The parcel of land that this pit could be developed on is beautiful and is a lovely habitat for wildlife, or could become awesome home lots. A gravel pit is not appropriate for this neighborhood.

Upon issuing this permit, who is liable for the dust, noise, disruption of view, increased traffic, possible loss of water for private wells, decline of salmon and disruption of wildlife. Who will make sure that the 5,000/yr. dump truck-loads don't cross the old bridge and that speed violations don't happen on the Old Sterling highway? Who will monitor that this pit doesn't operate 24/7 so that there is no relief for those living near it?

In 2018 why do we have to beg for quality of life in our neighborhoods? There are plenty of gravel pits up and down the Sterling Highway. I don't think there is a need for this pit and I think families and lifestyle should come first.

Respectfully,

*G. George Krier*

George Krier  
PO Box 1165  
35031 Moffit Ln.  
Anchor Point, Alaska



July 10, 2018

Planning Commission Chairman  
144 North Binkley Street  
Soldotna, AK 99669

Re: Beachcomber LLC Application for Conditional Land Use Permit  
for material extraction of sand, gravel, and peat on  
a portion of Tract B, McGee Tracts

Location : Anchor Point, AK

Parcel #: 169-010-67

To Whom it May Concern,

My partner and I live at 1/2 mile south Danver Street, Anchor Point – approximately 1/4 mile south of the proposed site for extraction of sand, gravel by Beachcomber LLC. Other than Danver Street traffic, this is a quiet neighborhood and has been since we moved here in 1990.

We are opposed to a business that will create noise, dust, and more traffic on Danver Street, which is well known to have great deal of truck traffic as it is. Danver Street is notorious for people who like to speed and ignore stop signs at the corner of Echo Drive, Kyllonen Drive, Desa Avenue, and Seaward Avenue and cut the corner at Danver and Anchor Point Road.

One issue that wasn't mentioned in the Public Hearing Notice is the use and condition of Anchor Point Road. Anchor Point Road is notorious for the lack of maintenance by the State of Alaska. It is a narrow road that has no bike trails, no shoulders, is full of cracks and holes that get filled but never fixed. Add to that in the summer, traffic consists of motor homes driving in and out of four campgrounds, pickups hauling boats and trailers to and from the Cook Inlet boat launch, people driving four wheelers, people walking on the edge of a road that has no shoulders or walking trails, bicyclists sometimes 20 at a time riding in single file in either lane, trucks delivering water, fuel oil, wood etc., not to mention the locals who use it every day – we don't need more traffic on Anchor Point Road, especially trucks hauling sand and gravel to add to the chaos.

Finally, we are opposed to a business in our neighborhood that will likely lower our property values.

Thank you for your consideration.

  
Mike Wartburg

  
Sharon Fromong  
Co-Owners 35236 Danver Street, Anchor Point, AK  
(907) 235-2626



Beachomber L.L.C.

?

Concern:

Noise

Dust

Traffic

Roads

What is the plan for reclamation  
of the land. ? When the develop  
planning on selling all the pet?

What is to be used for top soil  
for reclaiming.

Concer Home owners  
David J. Tesar  
Bonnie D. Tesar

## Wall, Bruce

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**From:** Mark Yale <markyale2001@yahoo.com>  
**Sent:** Tuesday, July 10, 2018 6:56 PM  
**To:** Wall, Bruce; susan@reevesamodio.com  
**Cc:** R. O. Baker II; mariedrinkhouse@yahoo.com  
**Subject:** Re: Property Line to the house  
**Attachments:** property line 2.jpg; property line.jpg

On Tuesday, July 10, 2018 06:50:05 PM AKDT, Mark Yale <markyale2001@yahoo.com> wrote:

Bruce,

Per our conversation of today of, how close the proposed Gravel Pit Property line is to out back deck on the back sided of our home, please find attached two photographs showing the line is only 5 yards from our home!

The map reflects a 6 foot berm and you stated that the engineer is recommending at least a 12 foot berm. Both of which are going to be insufficient!

Please forward these photos to all commission personnel to convey how unconsciousable this proposal is to all three of properties on the south border.

Respectfully Submitted,

Mark and Lee Yale







## Wall, Bruce

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**From:** Hans <catchalaska@alaska.net>  
**Sent:** Wednesday, July 11, 2018 4:47 PM  
**To:** Wall, Bruce  
**Subject:** Anchor Point Road CLUP

Hi Bruce,

I am attaching two pictures taken from my deck, and overlooking the property which would become a gravel pit if the CLUP for Beachcomber LLC (Emmit Trimble) is granted. As is true with all properties (of which there are many) located at higher elevations than the proposed pit, it is not possible for the applicant to meet Standard #5 — Minimize visual impacts. Because of the unique topography of the area surrounding the proposed site and the way sound is transmitted within the bowl, Standard #4 — Minimize noise disturbance to other properties is also not attainable. In light of the inability of the applicant to meet these two standards, as well as a multitude of other legitimate concerns, this CLUP needs to be denied.

The parcel is located in the very heart of a residential/recreational gem and development of a gravel mine upon it would adversely affect the quality of life for residents, drastically lower property values in the surrounding area, and in all likelihood impact tourism (the lifeblood of Anchor Point) when visitors to the area find camping next to the noise and dust generated by a gravel mine is unacceptable.

Hans Bilben  
35039 Danver St  
Anchor Point





R56





R57

**Philip J. Brna  
5601 E. 98<sup>th</sup> Avenue  
Anchorage, AK 99507  
(907) 346-2131**

July 11, 2018

Planning Commission Chairman  
Kenai Peninsula Borough  
144 N. Binkley St.  
Soldotna, AK 99669  
Via email to bwall@kpb.us

RE: Comments on Conditional Land Use Permit for Material Site; Beachcomber LLC; 169-010-67

I am providing comments on the referenced Land Use Permit application.

1. I am opposed to development of a material site and approval of a land use permit at this location. I request that the KPB deny the permit.
2. I am the owner of the residential parcel (PID 169-022-08), which is immediately to the north of the proposed processing area and which is almost completely surrounded by the proposed material site.
3. I purchased this property in 2001 and installed an access road and pad. My intent is to build a recreational cabin at this location. I own another cabin in the Clark Peterson subdivision near the Steelhead Campground and adjacent to the Anchor River. This cabin has experienced flooding in recent years and my wife and I have been investigating building another cabin on our property at PID 169-022-08.
4. Approval of the proposed material site application will preclude me from building another cabin because of noise and dust related disturbances. Additionally, a material site will significantly diminish my property value and will impact my ability to sell this property. Development of a material site at this location effectively constitutes a taking of my property value.
5. This is a residential and recreational area and it is inappropriate for the KPB to allow development of a material site at this location. A material site will significantly impact property values and use and enjoyment of residential and recreational property, including the Anchor River Recreational Unit, a part of the State Park System. A material site will conflict with existing residential and recreational use of the area.



6. There is considerable recreational use of the Anchor Point Road and Denver Street by people, including children, walking, running, walking dogs, bicycle tours, and riding bikes in the summer. Use of these roads by gravel trucks is a disaster waiting to happen.
7. I am concerned that this project could affect ground water input to the Anchor River and its estuary but these affects cannot be quantified without better groundwater data.

If the KPB approves this material site application over the objections of local people, the permit conditions must be adequate for protection of residential and recreational use of adjacent properties. I therefore recommend:

1. There be no onsite processing of gravel, especially crushing. This would mitigate many concerns related to noise and dust.
2. There must be a minimum of a 6 foot high vegetated berm and a separate 50 foot vegetated buffer along the entire northern boundary of the property.
3. The requested waiver from the 300 foot setback of the processing area from the northern boundary should not be approved.
4. There shall be no equipment operations between the hours of 6 p.m. and 8 a.m.
5. If the KPB approves this material site application property taxes of all adjacent properties should be reduced.

Philip J. Brna

## Wall, Bruce

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**From:** Coowe Walker <cmwalker9@alaska.edu>  
**Sent:** Wednesday, July 11, 2018 4:55 PM  
**To:** Wall, Bruce  
**Subject:** Fwd: Anchor River estuary, salmon and new potential gravel operations  
**Attachments:** T-1T-31-13 Estuary habitat use by juvenile chinook and coho salmon in a Kenai Lowlands (Anchor) River\_Final Report9-20-16.pdf; Hoem-Neher et al. 2013 Estuarine environ as rearing habs TAFS.pdf

Hello Bruce,

I am sharing information from my perspective as an ecologist regarding the potential new gravel operations on the parcels to the east of the Anchor River estuary. I have been studying this estuary (as well as other estuaries in the Kachemak Bay region) since 2009. I am attaching a couple of documents - a final report and a peer reviewed journal article that reflect data on juvenile salmon use specifically in the Anchor River estuary. A few salient points are:

- 1) There are thousands of juvenile salmon (Coho and Chinook salmon primarily), as well as other species (Steelhead, Dolly Varden, Starry Flounders, sculpins, sticklebacks) rearing in the Anchor River estuary;
- 2) Juvenile fish rearing in the Anchor estuary exhibit many different life history patterns, and preliminary data indicates that these patterns reflect genetic diversity in the salmon populations of the estuary.
- 3) Juvenile salmon move broadly throughout the estuary, using tidal channels, pools, as well as river habitats,
- 4) Juvenile salmon are present in the Anchor River estuary year round.
- 5) Conductivity measurements taken in the estuary indicate that groundwater flows are supporting juvenile salmon habitats

I am very concerned that the proposed gravel operations could impact groundwater flows that support salmon habitat, and also create dust that could settle on the surface and adversely affect salmon. The estuary of the Anchor River is relatively small, but is an extremely important component of the Anchor River watershed. All salmon use the estuary as habitat at least twice in their lives, as adults returning from the ocean, and as juveniles transitioning to the ocean. As I pointed out earlier, we know that some juveniles rear in the estuary for prolonged periods, and that these may represent genetically distinct fish. There is no other 'alternative' estuary habitat for the fish of the Anchor River to use. In my opinion, it would better to have more understanding of the potential consequences before any of the proposed operations proceed.

Unfortunately, I won't be able to attend the public meeting. Please let me know if I can provide any more information.

Thanks,  
Coowe

Coowe Walker  
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Program Watershed Ecologist  
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## Transactions of the American Fisheries Society

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### Estuarine Environments as Rearing Habitats for Juvenile Coho Salmon in Contrasting South-Central Alaska Watersheds

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ARTICLE

# Estuarine Environments as Rearing Habitats for Juvenile Coho Salmon in Contrasting South-Central Alaska Watersheds

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## Abstract

For Pacific salmon, estuaries are typically considered transitional staging areas between freshwater and marine environments, but their potential as rearing habitat has only recently been recognized. The objectives of this study were two-fold: (1) to determine if Coho Salmon *Oncorhynchus kisutch* were rearing in estuarine habitats, and (2) to characterize and compare the body length, age, condition, and duration and timing of estuarine occupancy of juvenile Coho Salmon between the two contrasting estuaries. We examined use of estuary habitats with analysis of microchemistry and microstructure of sagittal otoliths in two watersheds of south-central Alaska. Juvenile Coho Salmon were classified as estuary residents or nonresidents (recent estuary immigrants) based on otolith Sr : Ca ratios and counts of daily growth increments on otoliths. The estuaries differed in water source (glacial versus snowmelt hydrographs) and in relative estuarine and watershed area. Juvenile Coho Salmon with evidence of estuary rearing were greater in body length and condition than individuals lacking evidence of estuarine rearing. Coho Salmon captured in the glacial estuary had greater variability in body length and condition, and younger age-classes predominated the catch compared with the nearby snowmelt-fed, smaller estuary. Estuary-rearing fish in the glacial estuary arrived later and remained longer (39 versus 24 d of summer growth) during the summer than did fish using the snowmelt estuary. Finally, we observed definitive patterns of overwintering in estuarine and near shore environments in both estuaries. Evidence of estuary rearing and overwintering with differences in fish traits among contrasting estuary types refute the notion that estuaries function as only staging or transitional habitats in the early life history of Coho Salmon.

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Pacific salmon exhibit multiple life histories in response to variability in selection pressures and habitat conditions (Healey 1994, Groot and Margolis 1991). Early marine entry and presmolt growth just prior to entry is a time of severe selective pressure due to the physiological and environmental changes experienced by salmon smolts (Williams 1996; Thorpe et al. 1998; Beamish et al. 2004). This life stage has been linked to an optimal out-migration survival period that corresponds to a period when ocean conditions provide suitable temperatures and abundant resources for growing and feeding (Gargett 1997; Johnsson et al. 1997; Beamish et al. 2008). The period and duration of optimal out-migration timing may change from year to year depending on precipitation levels, wind patterns, and solar energy inputs (Gargett 1997; Beamish et al. 2008). Fish size, body condition, and timing of marine entry are instrumental for optimal timing and to ensure coincidence with both the quantity and quality of available prey and the ability of the individual to use it (Beamish and Mahnken 2001; Hobday and Boehlert 2001).

Estuaries play an important role as transitional habitats prior to the ocean entry phase of salmon smolt. The mixing zone of freshwater and saltwater environments buffers against osmoregulatory and physiological stress in smolts (Healey 1982; McMahon and Holtby 1992; Miller and Sadro 2003; Beamish et al. 2004; Bottom et al. 2005a). Estuaries, however, also have potential to serve as important salmon rearing habitats; Chinook Salmon *Oncorhynchus tshawytscha*, in particular, have increased survival rates (Magnusson and Hilborn 2003) and life history variability (Bottom et al. 2005a; Campbell 2010; Volk et al. 2010) with estuarine habitat use. Factors expected to impact individual fish survival include the duration of estuary occupancy, timing of early marine entry, and environmental conditions that affect body condition (Healey 1982; Bohlin et al. 1993; Beamish et al. 2004). Given their importance for rearing, we anticipated that strong spatial and temporal variability in environmental conditions within estuaries may play a key role in trait expression of individuals subject to overall conditions within these habitats.

Estuaries fed by different freshwater hydrologic regimes may provide contrasting rearing environments for resident biota (Saltveit et al. 2001). Freshwater influx into northern estuaries is expected to be particularly high during snowmelt periods; however, within Alaska, many estuarine habitats are fed by glacial river systems. For these systems, peak freshwater discharge occurs in midsummer rather than early spring, yielding cold, sediment-laden discharge during the warmest months. Differences between glacial and snowmelt-fed estuaries may therefore contribute to variability in the timing and duration of estuarine use for juvenile salmon.

Previous investigations into estuary ecology of juvenile Coho Salmon *O. kisutch* are limited, but indicate that the transition from fresh to salt water life stages is complicated and may differ by age or life stage (McMahon and Holtby 1992). For example, young-of-year fish undertake seasonal migrations within the up-

per estuarine ecotone and freshwater river channels and sloughs, and residency between these areas is estimated to be as long as 8 months (Miller and Sadro 2003; Koski 2009). Fingerling (age-1 and -2) Coho Salmon were present in estuaries for only 2 months (McMahon and Holtby 1992), and individuals within these populations were reported to have short estuary residence times (up to 17 d; Chittenden et al. 2008). Understanding some of the environmental conditions that lead to the differences in use by young salmon may provide insight into critical rearing habitats for conservation and management.

Direct and unbiased documentation of estuarine habitat use by juvenile salmon is difficult, given a limited suite of tracking and marking techniques applicable to small fish. The use of otolith microchemistry in combination with examination of microstructure (incremental growth layers) can be used to determine ontogenetic patterns of habitat occupancy when water chemistry contrasts strongly between habitats (Neilson et al. 1985; Campana 1999; Kennedy et al. 2002; Réveillac et al. 2008). The salinity of the surrounding environment, in particular, has been linked to ratios of strontium to calcium (Sr : Ca) deposited in otoliths, a useful feature for measuring life history patterns in diadromous fishes (Zimmerman 2005). In tandem with microchemical analysis, microstructural analysis of incremental growth patterns and age of fish can allow discernment of habitat transitions through time (Campana and Neilson 1985; Neilson et al. 1985; Volk et al. 2010). It can be difficult, however, to determine and validate daily incremental growth patterns, particularly during periods of low growth (Campana and Neilson 1985). In that case, seasonal growth patterns may provide sufficient resolution to determine history, particularly in the case of estuarine or marine versus freshwater habitat use.

In this study, we investigated and compared the ecology and life history patterns of juvenile Coho Salmon captured within two contrasting estuary environments. Our first question was two-fold: (1) were juvenile Coho Salmon rearing within estuary systems, and (2) did fish rearing within estuaries show trait differences (condition, dates of entry, and weights) from those that did not? Using otolith microanalyses, we determined the timing and duration of use and correspondence with fish traits of different ages of juvenile salmon captured within estuary channels. We hypothesized that fish using estuaries, having a longer time for osmoregulatory adjustment and thereby benefiting from these environments, would exhibit greater lengths and body condition than those without evidence of estuary residence. The second question of our work was, did patterns of estuary use by juvenile Coho Salmon, including timing and duration of occupancy, differ between two estuaries with contrasting freshwater environments? We hypothesized that differences in freshwater discharge regimes (i.e., a glacial-fed versus snowmelt-fed estuary) that result in differences in thermal regimes and available habitats may be factors that drive use of differing estuary systems. This would suggest that physical processes are important drivers of ontogenetic variability in use of estuarine environments and therefore life history expression in juvenile salmon.



## STUDY SITE

The large tidal range (>8 m depth) of Kachemak Bay and Cook Inlet (NOAA 2012) in south-central Alaska can create extensive estuarine ecotones with diverse habitat conditions, particularly in glacial rivers with heavy silt deposition zones. Our study compared environmental conditions and fish collected from similar channel habitat types sampled within two contrasting estuaries of the Anchor and the Fox rivers, located approximately 29 km apart, (Figure 1). Juvenile salmon were captured within channels located in the intertidal zone of each estuary, bordered by mud flats and vegetation. Channels were chosen to maximize habitat similarity between the estuaries (i.e., similar connectivity to the main-stem river, locations within the intertidal zones respective of the estuary size, channel shape, and channel length).

The Anchor River delta is a snowmelt and spring-fed, bar-built estuary that abruptly transitions into the marine environ-

ment of southern Cook Inlet; its estuary length is about 0.8 km (measured from the high-water tide line to its confluence with the Cook Inlet). The Fox River delta is a glacially fed estuary that transitions through a large delta, approximately 6 km long, into Kachemak Bay. The Fox River watershed is located in a smaller, more constrained valley and lacks freshwater back-channel areas in the lower river, whereas the Anchor River has numerous side-channel areas in the lower river. Compared with the Anchor River estuary, the Fox River estuary has more gradual, extended ecotones between the marine environments of Cook Inlet and freshwater environments of the Fox River.

## METHODS

*Habitat characteristics.*—We sampled fish and recorded environmental data in tidal channels spaced within the intertidal zone of each estuary. Habitats upstream of these channels are

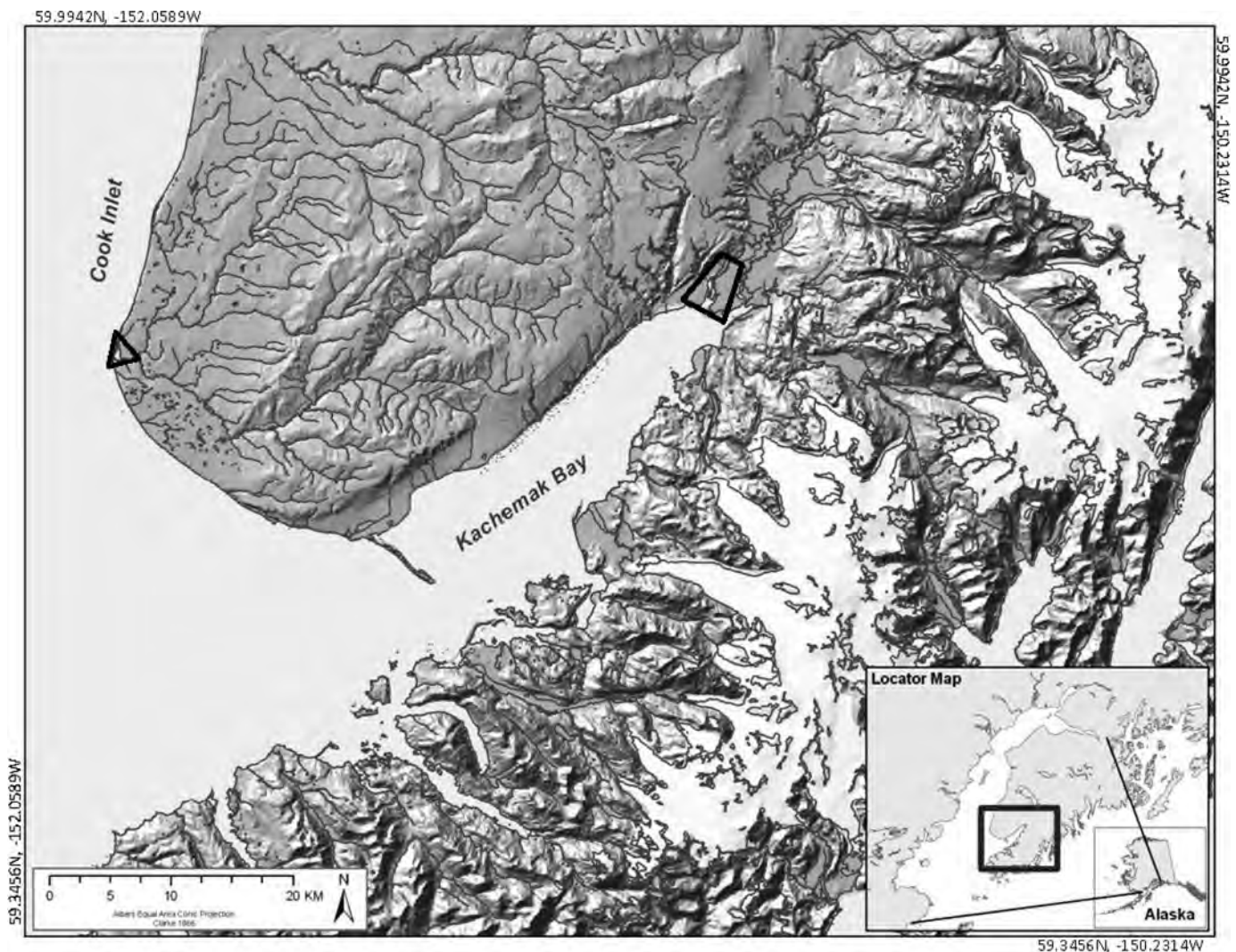


FIGURE 1. The study area on the lower Kenai Peninsula, Alaska, where age-0 to age-2 Coho Salmon were sampled from the Anchor River (triangle) and Fox River (trapezoid) estuaries.

not tidally influenced and therefore were not considered estuary habitats for this study. Four channels were sampled in the Fox River estuary and two channels were sampled in the Anchor River estuary, twice monthly from April through September for a total of 10 sampling events in the Anchor River and 11 sampling events in the Fox River. Sampling occurred during moderate tide levels in both estuaries because some channels could not be sampled at high tide. Sample events in each estuary usually occurred within 7 d of one another, often within the same week. Temperature and depth were measured and recorded using Solinst TM 3001 level loggers (Solinst Canada Ltd., Ontario, Canada) calibrated with a Solinst TM 3000 barologger set onsite. Level loggers were set at 15-min recording intervals and placed in 5 × 25 cm plastic PVC housings attached to steel fence posts driven approximately 25 cm into the substrate. Fence posts were located five meters upstream from the channel mouth in each of the six channels sampled, and one logger was placed along the margin of each river channel. In addition, measurements were taken for each sampling event at a cross-section downstream of the fence posts for each sampling event. Thalweg depth, conductivity (direct and standardized for temperature), salinity (measured as salt concentration), and temperature (with probe at the surface, mid water column, and channel bottom) were measured using a YSI model 30.

Habitat data were summarized for analyses as follows: continuous water level data as 7-d mean, minimum, and maximum depths for each estuary channel and the main-stem river. Continuous temperature data were summarized as daily averages summed for accumulated thermal units by week and month. Point measurements of salinity collected at each sampling event were combined and expressed as monthly mean, minimum, and maximum recordings.

**Fish capture.**—Juvenile Coho Salmon were captured in tidal channels of the intertidal zones of Fox and Anchor river estuaries within 25-m reaches using three depletion passes with a pole-seine (2.2 × 6.1 m, 0.31 cm mesh) twice per month from late April through September 2011. Prior to fish sampling, each unit was closed with blocking nets (2.2 × 6.1 m, 0.31 cm mesh) secured along the sides and bottom with stakes to prevent fish escape. Fish from each pass were placed in separate, 19-L aerated tubs filled with water from the channel. All fish captured were identified to species and counted. Fifty juvenile Coho Salmon captured from each of three passes of the seine (total, 150 fish/site per each event) were anesthetized in tricaine methanesulfonate (MS-222) at 70 mg/L of water (Bailey et al. 1998; Chittenden et al. 2008) and measured for FL (mm). If more than 150 Coho Salmon were captured at each site, samples were indiscriminately selected by gently stirring the incarcerated fish and removing samples with a hand dip net. Age-classes of Coho Salmon were apparent by length; therefore, three juvenile cohorts ( $\leq 10\%$  of the catch) at each were indiscriminately collected at each site: small (age 0,  $< 50$  mm FL), medium (age 1, 50–85 mm FL), and large (age 2,  $> 85$  mm FL) and sacrificed via overdose of MS-222 at

140 mg/L, labeled, placed on ice, returned to the laboratory, and frozen.

**Fish condition.**—We used dry weight and Fulton's condition factor measured from the frozen specimens for metrics of condition (Jonas et al. 1996; Pope and Kruse 2007). Fulton's condition,  $K = (W/L^3)100,000$ , was calculated using laboratory measures of fish length (FL; mm) and whole fish weight (W; g). Dry weights were determined from dissected samples with all tissue other than stomachs and otoliths returned to the sample prior to drying. Coho Salmon samples were placed in a drying oven at 65–70°C for 3 d, weighed, and returned to the oven for 24 h, and then re-weighed. Samples were considered dried when minimal change was detected between consecutive daily weights (Jonas et al. 1996).

**Estuary residence time.**—We used analysis of otolith microchemistry combined with microstructural analysis to determine if juvenile Coho Salmon were rearing in the saline environments of estuaries. Sagittal otoliths were removed from both sides of the cranial cavity of fish prior to condition analyses, rinsed, and stored in plastic vials. Otoliths were mounted in thermoplastic cement on sections of cover slips and glued to standard microscope slides (Donohoe and Zimmerman 2010). Otoliths were mounted sulcus down, and the sagittal plane was ground with 2,000-grit sand paper to expose a clean, flat surface. The sample was reheated, turned over to expose the sulcus, and ground to expose the nucleus (Zimmerman 2005; Donohoe and Zimmerman 2010). The sample was labeled and aged via winter counts, and the cover slip was cut to remove the mounted sample. The sample was then glued in a 2.54-cm-diameter circle centered on a petrographic slide for analysis. Once the slide was filled, it was washed, rinsed with deionized water, and allowed to air dry prior to processing.

We used the Laser-ablation Inductively Couple Plasma Mass Spectrometer (Agilent mass spectrometer 7500ce fitted with a CS lens stack combined with a New Wave UP213 laser, LA-ICPMS) housed at the Advanced Instrumentation Laboratory of the University of Alaska Fairbanks to complete the microchemical analyses. Transects were ablated from the primordia perpendicular to the growth increments into the mounting medium beyond the distal edge of one otolith from each fish. Count data were collected for the elements strontium ( $^{88}\text{Sr}$ ) and calcium ( $^{43}\text{Ca}$ ). Calcium ( $^{43}\text{Ca}$ ) was used as an internal standard and background-subtracted counts of Sr were adjusted to Ca and calibrated to glass standard reference material (NIST 610, National Institute of Standards and Testing). Calibration standards were run for 10 samples or less, depending on the number of samples on the slides, and one sample duplicate (both sagittal otoliths from one fish) was run for the entire batch. Laser speed was set at 5  $\mu\text{m/s}$  with a 25- $\mu\text{m}$  spot diameter on a single pass transect set to 80% power. The elemental count/s output of the LA-ICPMS was then converted to concentration and sampling distance using the elemental weights for each constituent and the laser settings, respectively. Strontium : calcium (Sr : Ca) ratios were then calculated for each of the distance

measures. Otoliths were photographed under  $4\times$ ,  $10\times$ ,  $20\times$ , and  $40\times$  magnification using a Leica DM1000 compound light microscope fitted with a Leica DFC425 digital camera housed at the Alaska Science Center (Anchorage, Alaska). Images were taken using a 1,000- $\mu\text{m}$  stage standard at all magnifications to calibrate otolith measurements, and the images were digitally processed to enhance clarity of incremental growth patterns. ImageJ software (version 1.46 h, <http://imagej.nih.gov>) was used to process digital images and to overlay distance-ratio graphs on the image, calibrated to the laser distance.

Estuarine residence time was determined by counting incremental growth marks on otoliths from juvenile salmon captured in the estuary (Miller and Simenstad 1997; Neilson et al. 1985). We defined residence time as the daily growth within the saline reaches of the estuary. Residence time was calculated as the number of incremental growth bands following the point of estuarine entry determined by the Sr : Ca inflection point with the distance-matched ratio graph overlaid on the otolith digital image. The inflection point, or estuary signature, was defined as an abrupt increase in Sr : Ca, as visually determined as the consecutive ratio increase of  $>0.3$  per reading; levels remaining at  $>1.0$  followed the freshwater mean ratios (Figure 2). Inflection points often correspond with dark banding, identified by some researchers as an estuary growth check (Lind-Null and Larsen 2011). These growth checks, though not always easily identifiable or consistent among individuals, corresponded to inflection points and provided additional support in identifying the points of estuary entry. All fish were categorized according to the presence or absence of an estuarine salinity signature (inflection point followed by growth), and incremental growth counts were completed to determine duration of estuary use on those with estuary signatures. Duration of estuarine rearing was determined by using a digital image of the otolith taken at  $20\times$  magnification overlaid with the distance-matched ( $\mu\text{m}$ ) Sr : Ca graph. Inflection points were digitally marked on the image and were considered the point of estuarine entry. Growth increments were counted along two different radii from the distal edge of the otolith to the inflection point to determine days of residence (Figure 2). If counts differed between readings, a third count was made, and the median of the three counts was used. One group of salmon overwintered in estuarine/marine environments, therefore comparisons were made using summer season (April–September) residence times calculated as the date of capture less the incremental growth count (days) to the first discernible daily growth increment. The growth increment–time relationship was validated by marking a sample of four fish with alizarin complexone (Zimmerman 2005), holding them in a small net pen in an estuary channel for 6 d, sacrificing the fish, and counting the increments past the Alizarin mark on prepared otoliths. The results from this test verified that incremental growth rings indeed represented a 24-h period, all fish showing six increments corresponding to the 6 d held in captive nets in the estuary.

*Statistical analyses.*—Based on our study questions, we wanted to determine whether (1) estuaries were used by Coho Salmon for rearing purposes, (2) those salmon that used estuaries for rearing differed from those that showed no evidence of estuarine rearing, (3) salmon rearing in two different estuaries show differences in traits and residence times related to environmental conditions, and (4) factors that contribute most to the variability in fish traits (e.g., presence of estuarine rearing, estuary habitat conditions, or the age of the fish) could be identified. The otolith microchemistry and microstructural analysis described above addressed whether fish were using estuaries for rearing, and we used analyses of empirical data to address the remaining objectives. When possible, confounding sources of variability, such as timing of capture, were included in these analyses, along with several potential sources of error and bias.

Because samples were a subset of the total catch and collected over the summer season, potential sources of bias and error must be addressed. Our protocol sampled evenly across age-classes for fish retained for laboratory analyses; therefore, the composition of the laboratory fish sample did not correspond to catch composition. We therefore tested (chi-square goodness of fit) for differences in age-class composition of measured fish between estuaries and in the laboratory sample versus the measured group age structure. Finding significant differences on both accounts, we ran analyses to compare length, age-class composition, and capture date based on two subsamples of the total catch: those that were caught, measured, and released (hereafter, measured group) versus those sacrificed and analyzed in the laboratory (hereafter, laboratory group). For each sampling event we inferred age-class composition of the measured group via their length-frequency histograms from length groups validated via otolith-determined ages of the laboratory group. Analyses completed with all age-classes pooled were weighted to ensure that the laboratory sample results reflected the composition of the population relative to the total catch of fish; laboratory fish data were weighted by percent composition of each age-class from the measured group of fish for each estuary. We also examined the relationship between capture date and residence time using simple linear regression for each estuary; a strong linear relationship between residence time and date of capture would indicate bias.

For the second objective, we compared those juvenile Coho Salmon that had a marine signature in their otolith, indicating estuarine rearing, with those salmon that were captured in the estuary but lacking detectable marine signature in the otolith. Those comparisons were done to determine whether fish in these groups showed differences in trait patterns (time of entry, condition, length, and weight). Two separate analyses were used: ANCOVA for all age-classes pooled, and Student's *t*-tests for individual age-classes (due to small sample lengths and disproportionate distribution of age-classes between estuaries). We tested data from the laboratory fish group captured in each estuary via ANCOVA analyses. This analysis used the independent

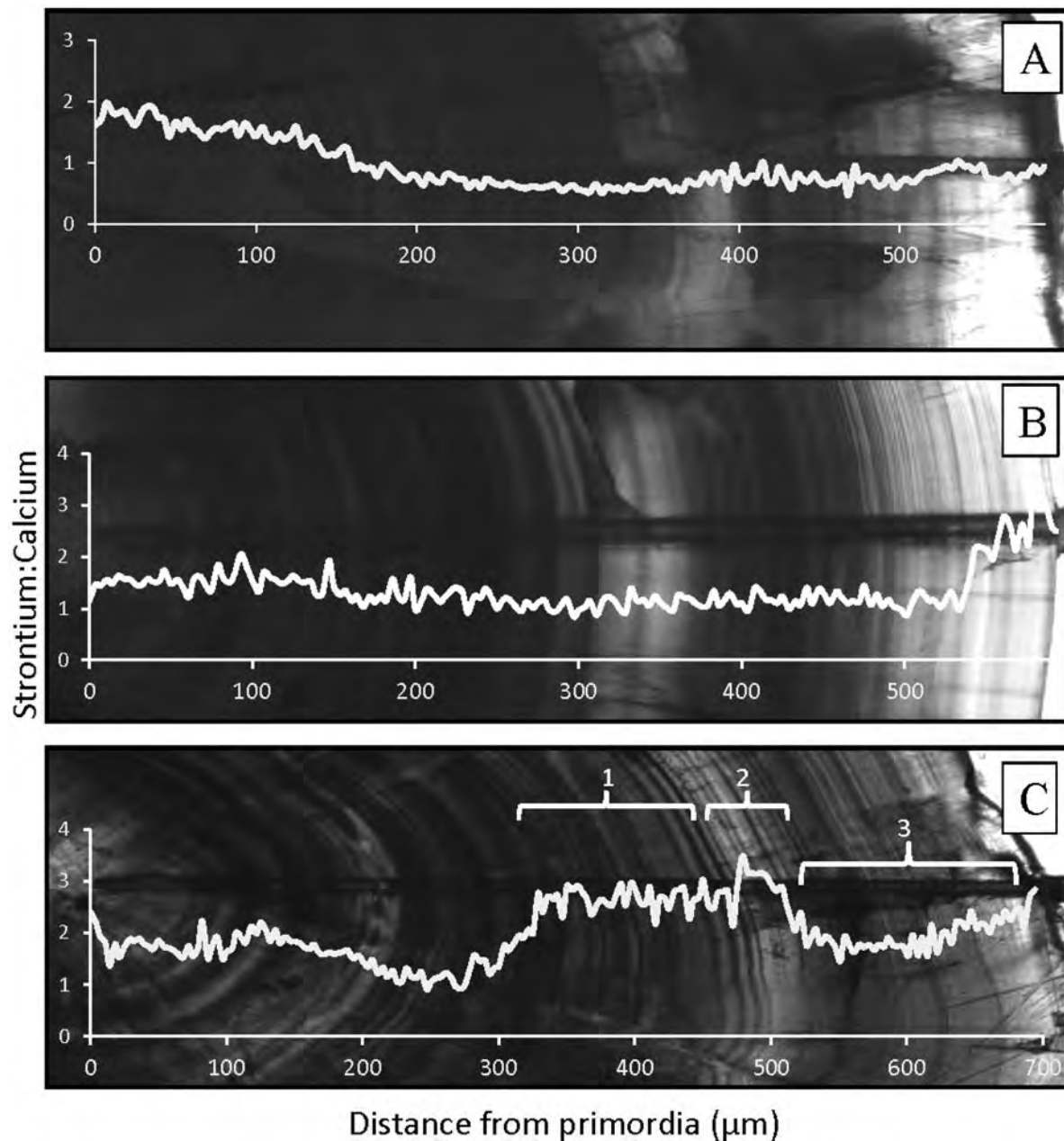


FIGURE 2. Images of otoliths of Coho Salmon from the Fox and Anchor River estuaries showing Sr : Ca ratio graphs overlaid with laser transect distances. Different estuary use patterns are depicted: (A) no estuary use, (B) summer season estuary use signature, and (C) age-2 fish with overwintering signature and variable use of salinities during the summer season, where (1) is the first summer estuary signature, (2) is the winter estuary signature, and (3) is the second summer estuary signature.

variable (condition) and dependent variable (date of capture) with estuary rearing as the covariate for fish comparison for all ages pooled (weighted bycatch). For the age-class comparisons, we compared traits (length, condition, dates of entry, and weights) between signature patterns using Student's unpaired two-sample *t*-tests for each age-class; estuaries were analyzed separately. Because, in this scenario, each variable was repeat tested a total of four times (for age-0 and age-1 classes by two es-

tuaries), we adjusted our alpha values accordingly (Dunn Sidak correction alpha level 0.013; Abdi 2007).

Our third objective focused on whether fish using the glacial Fox River estuary showed differential trait expression from those using the snowmelt, spring fed Anchor River estuary. Two separate analyses were performed as described above. For the between-age-class comparisons, traits were examined for differences between estuaries using Student's unpaired

two-sample *t*-tests for each age-class. To compare fish traits with all age-classes pooled, we used an ANCOVA analysis with each dependent variable (length, dry weight, condition) and capture date as the independent variable with estuary of capture as the covariate.

The final objective was to examine the influence of three potential factors (age, estuary type, and presence of an estuary signature) in explaining variability in Coho Salmon traits. We used a three-way catch-weighted ANOVA with the laboratory group data to address this question.

Data were standardized to the mean of each variable and fourth-root transformed (when necessary) to meet homogeneity assumptions for all linear tests. Data were checked for equal variance using *F*-tests for age-class comparisons. If samples had unequal variances and could not be transformed to meet this assumption, a Welch two-sample, unpaired *t*-test was used for comparison of age-class data.

## RESULTS

### Estuary Habitats

Temporal trends in habitat features followed trends and differences anticipated for snowmelt versus glacially fed estuaries. Minimum salinities were higher and more variable in the snowmelt-fed Anchor River estuary channels, particularly in midsummer (Student's two-sample unpaired *t*-test:  $t = 1.32$ ,  $P < 0.001$ ,  $df = 18$ ; Figure 3; Table 1). Data from the stationary loggers placed in the sampling sites showed expected patterns in trends associated with each watershed type. The glacial Fox River showed seasonal increases in water depth and decreases in temperature associated with the glacial runoff, whereas the snowmelt and spring-fed Anchor River exhibited peak water depths and coolest temperatures in the early spring. The highest 7-d average estuarine water temperatures occurred in late May (13.3°C) for the Fox River and late July (15.3°C) for the Anchor River.

### Fish

We captured a total of 1,743 Coho Salmon in the Anchor River and measured 532. In the Fox River we captured 4,232 individuals and measured 1,621. We sacrificed and retained 35

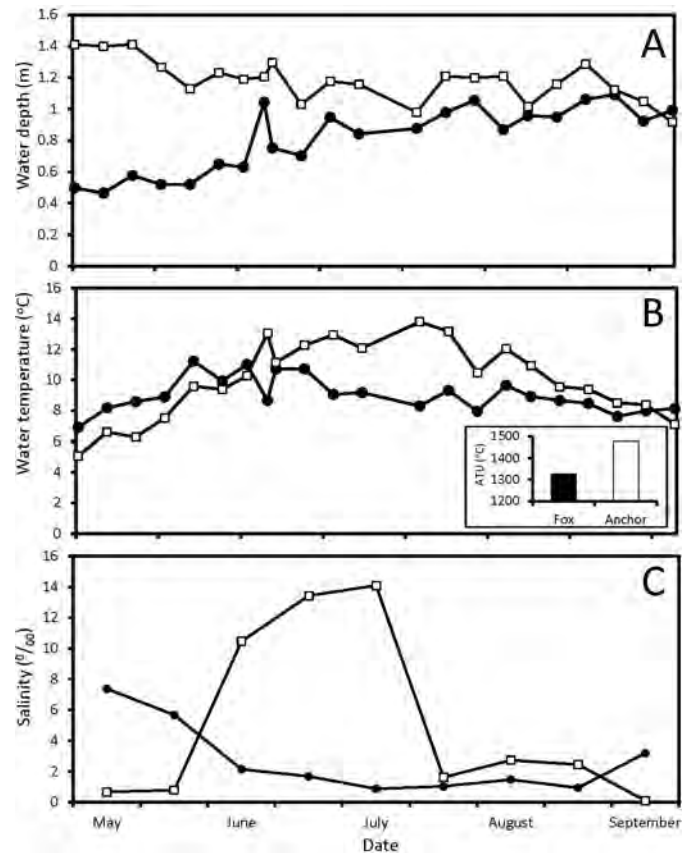


FIGURE 3. Continuous data logger results for the Fox River (black circles) and Anchor River (open squares) estuaries showing the summer-season 7-d average (A) water levels, and (B) water temperatures with an inset in accumulated thermal units (ATU). (C) Average weekly point measurements of salinity.

from the Anchor River estuary and 73 fish from the Fox River estuary for laboratory analysis.

Three age-classes of Coho Salmon were captured in both estuaries (0, 1, 2), though the relative dominance of age-classes within the measured group differed significantly between estuaries ( $\chi^2 = 338.4$ ,  $P < 0.001$ ,  $df = 2$ , Table 2; Figure 4). Fish captured in the Fox River estuary were primarily composed of younger age-classes (age-0 and age-1 fish), with less than 5% of the catch composed of age-2 fish. The Anchor River estuary

TABLE 1. Mean monthly measures of environmental conditions for the south-central Alaska's Fox and Anchor river estuary channels. Metrics were calculated for all channels combined within the Fox or Anchor estuaries. Water temperature is in accumulated thermal units (ATU).

Month	Fox River: mean (var)			Anchor River: mean (var)		
	Temperature ATU (°C)	Depth (m)	Salinity (mS/cm)	Temperature ATU (°C)	Depth m (var)	Salinity (mS/cm)
May	50.2 (17.3)	0.7 (0.1)	7.8 (4.5)	52.4 (11.4)	1.3 (0.3)	0.7 (1.2)
Jun	74.8 (5.0)	0.7 (0.4)	2.0 (2.5)	78.7 (13.2)	1.2 (0.2)	8.5 (11.1)
Jul	60.0 (10.3)	0.9 (0.4)	1.3 (2.3)	90.7 (9.3)	1.1 (0.2)	7.9 (10.8)
Aug	58.6 (4.0)	1.0 (0.3)	1.5 (1.5)	74.6 (10.6)	1.2 (0.2)	2.5 (1.1)



TABLE 2. Numbers of measured and laboratory Coho Salmon grouped by age for the Fox River and Anchor River estuaries. Counts of fish showing estuary use is denoted for the laboratory group in parentheses.

Estuary	Age 0	Age 1	Age 2	Total
<b>Measured group composition: numbers of fish</b>				
Fox	785	760	76	1,621
Anchor	291	133	108	532
Total	1,076	893	184	2,153
<b>Laboratory group composition: numbers of fish</b>				
Fox	24 (6)	45 (17)	4 (1)	73 (24)
Anchor	9 (3)	14 (11)	12 (10)	35 (24)
Total	33 (9)	59 (28)	16 (11)	108 (48)
<b>Percent of total laboratory group with estuary signature</b>				
Laboratory group	41	48	69	44

measured fish group was composed of over 20% age-2 fish and had a smaller proportion of age-1 fish than the Fox River (Table 2). We were restricted in retaining age-2 fish for individual analysis from the Fox River estuary due to low catch rates of this age-class in the system.

A substantial proportion of laboratory group fish displayed elevated Sr : Ca signatures, indicating growth within the saline reaches of the estuary (44%, 48 of 108 collected fish). Of these, 10 individuals overwintered in saline environments (either estuarine or near shore environments), 13 exhibited summer season use patterns of residence in saline environments followed by use of less saline environments (e.g., Figure 2A). Of the 35 Anchor River fish and 73 Fox River fish analyzed, 24 from each river exhibited evidence of estuary rearing. The Fox River fish showed a significantly lower proportion of fish with estuary signatures. Only two fish from the Fox River estuary showed estuary-marine overwintering signatures (one individual each from age-classes 1 and 2).

Disparity in patterns of capture, estuary use, and entry dates were apparent in comparisons of fish captured in the two estuaries (Table 3). The highest total capture of Coho Salmon occurred in the Anchor River estuary in late August and in late July in the Fox River (Figure 4). In both estuaries, most age-2 individuals were captured in April-June. Age-1 individuals predominated the June and early July catches, and age-0 individuals were not captured until later in June. Fish captured in the Anchor River estuary entered earlier during the sampling period and had shorter and less variable times of use than those captured in the Fox River estuary; however, these differences were not statistically significant (weighted 2-way linear model) for the pooled, catch-composition-weighted data for laboratory group with estuarine rearing: entry dates ( $F = 1.71$ ,  $P = 0.20$ ,  $df = 46$ ) and residence ( $F = 2.06$ ,  $P = 0.16$ ,  $df = 463.69$ ; Table 3). Only two variables were significant (Student's unpaired  $t$ -test) among comparisons made between estuaries by

TABLE 3. Mean residence times and capture dates for the laboratory group of Coho Salmon captured in the Fox and Anchor rivers in 2011.

Estuary	Age 0	Age 1	Age 2
<b>Average summer season use (d)</b>			
Fox	49.33	39.23	6.00
Anchor	36.33	29.72	14.80
<b>Mean capture dates (estuary signature)</b>			
Fox	Aug 21	Jul 31	May 28 <sup>a</sup>
Anchor	Aug 8	Jul 20	May 29
<b>Mean capture date (no estuary signature)</b>			
Fox	Jul 13	Jul 18	Jun 17
Anchor	Aug 23	Jul 13	Jul 4

<sup>a</sup>Sample size was 1.

age-class: laboratory group age-0 entry date ( $t = -2.50$ ,  $df = 30$ ,  $P = 0.02$ ) and condition ( $t = -1.92$ ,  $df = 30$ ,  $P = 0.06$ ).

Generally, fish captured and measured within the two estuaries differed in length, weight, and body condition; however this was only statistically significant when single age-classes were compared (Table 4). Compared with Fox River fish, the Anchor River mean FL at age was significantly (Student's unpaired  $t$ -tests) larger and less variable for each age-class in the measured group, i.e., age 0 ( $t = -151.15$ ,  $P < 0.01$ ,  $df = 306$ ), age 1 ( $t = -6.22$ ,  $P < 0.01$ ,  $df = 889$ ), and age 2 ( $t = -3.35$ ,  $P < 0.01$ ,  $df = 108$ ; Table 5). Fish in the laboratory group followed a similar pattern as the measured group; however, these differences were statistically significant only in some comparisons made by separate age-classes (Table 5).

The age and presence or absence of an estuary signature significantly contributed to variability between traits (length, condition, dates of capture, and weights), whereas the estuary of capture did not. Fish that demonstrated more extended estuary use tended to be captured in the estuaries later than those that showed little to no estuary use (weighted 2-way linear model:  $F = 5.14$ ,  $P = 0.02$ ,  $df = 103$ ; Table 5). Fish using the estuary were significantly (weighted 2-way linear models) greater in length and had higher condition when samples from both estuaries were pooled: length ( $F = 5.75$ ,  $P < 0.01$ ,  $df = 103$ ) and condition ( $F = 13.12$ ,  $P < 0.01$ ,  $df = 103$ ; Table 4). Finally, the evidence of estuarine rearing significantly (ANCOVA) accounted for variation in fish condition over time for both the Anchor ( $F = 11.06$ ,  $P < 0.01$ ) and Fox ( $F = 6.42$ ,  $P = 0.01$ ) river estuaries. Generally, fish in both estuaries increased in condition over time. However, fish lacking estuary signatures showed smaller sizes and lower condition when captured, and the condition increased at a greater rate over the summer season than it did among fish with an estuary signature (Figure 5).

In summary, juvenile Coho Salmon used estuaries for rearing, the greatest variability in fish traits (body condition, length, weight, capture date) being explained by the age-class and the presence or absence of estuary rearing. All fish exhibiting estuary use were significantly larger and had greater weights and

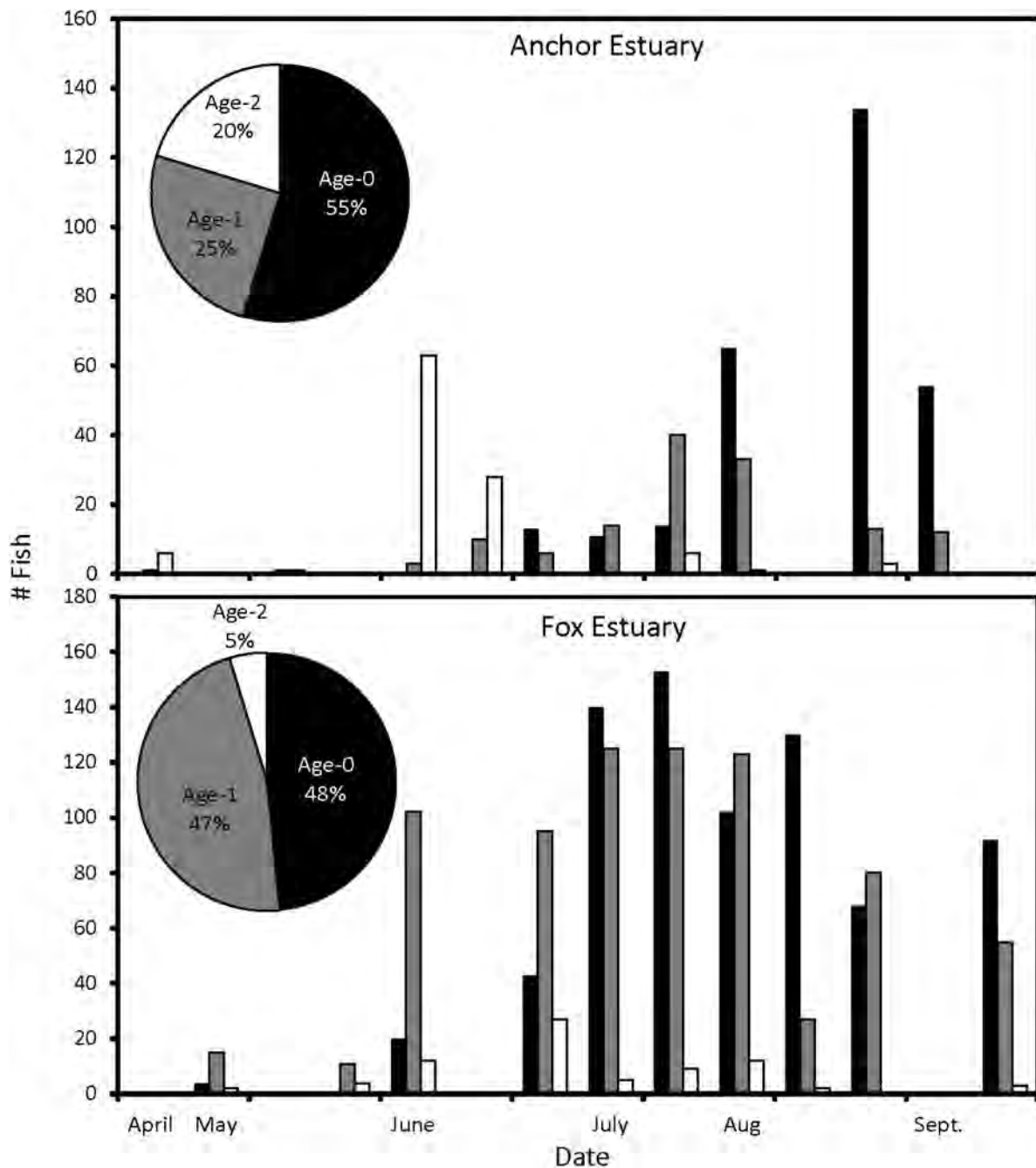


FIGURE 4. Comparison of total sample catch of Coho Salmon separated by age-class in the Fox and Anchor river estuaries. Inset pie charts illustrate age composition.

higher body condition than those lacking estuary-use signatures. Patterns of trait differences between estuaries were apparent, though not statistically significant given our limited sample sizes of estuary residents. Compared with fish in the Fox River estuary, those using the Anchor River estuary showed a higher proportion of overwintering use, and the summer composition of residents was higher in older individuals with greater body condition, length, earlier entry, and shorter times of use.

Finally, we addressed the potential for capture date to bias residence. We found a weak, though significant, positive relationship between capture date and residence days for fish from the Fox River estuary ( $P < 0.01$ , adjusted  $r^2 = 0.18$ ) but not for fish from the Anchor River estuary ( $P = 0.28$ , adjusted  $r^2 = 0.01$ ). This relationship could potentially be explained by the differences in behavior patterns of the fish from the two estuaries.

TABLE 4. Mean and variance of body size, weight, and condition for measured ( $n = 2,153$ ) and laboratory ( $n = 108$ ) groups of Coho Salmon captured in the Fox River and Anchor River estuaries.

Estuary	Age 0	Age 1	Age 2
<b>Measured group mean size (variance)</b>			
Fox	40.68 (73.16)	72.86 (176.75)	85.34 (166.70)
<b>Laboratory group mean size (variance)</b>			
Fox	41.91 (117.63)	76.11 (332.58)	90.75 (189.30)
Estuary signature	51.50 (96.30)	79.10 (214.74)	80.10 <sup>a</sup>
No signature	38.50 (85.01)	74.10 (411.18)	93.00 (207.33)
Anchor	48.22 (84.94)	77.90 (173.91)	99.75 (86.75)
Estuary signature	53.30 (114.33)	79.10 (137.69)	98.10 (76.98)
<b>Laboratory group mean dry weight (variance)</b>			
Fox	0.15 (0.02)	1.13 (0.80)	1.47 (0.42)
Estuary signature	0.30 (0.03)	1.22 (0.42)	0.96 <sup>a</sup>
No signature	0.09 (0.01)	1.08 (0.89)	1.60 (0.45)
Anchor	0.25 (0.02)	1.04 (0.40)	1.99 (1.05)
Estuary signature	0.32 (0.04)	1.11 (0.42)	1.91 (1.12)
No signature	0.18 (0.01)	0.70 (0.36)	2.40 (1.08)
<b>Laboratory group Fulton's mean condition (variance)</b>			
Fox	0.91 (0.04)	1.08 (0.02)	1.05 (0.01)
Estuary signature	1.12 (0.01)	1.12 (0.01)	1.14 <sup>a</sup>
No signature	0.84 (0.03)	1.06 (0.04)	1.03 (0.01)
Anchor	1.05 (0.02)	1.12 (0.01)	1.00 (0.02)
Estuary signature	1.12 (0.01)	1.15 (0.00)	1.00 (0.02)
No signature	1.02 (0.03)	0.99 (0.00)	1.02 (0.02)

<sup>a</sup>Sample size too small for variance calculations.

## DISCUSSION

Fish using the estuaries in our study exhibited substantially greater estuary use times in the saline reaches of the estuary than previously reported for juvenile Coho Salmon, particularly older

cohorts (age-1 and age-2 juveniles; McMahon and Holtby 1992; Thorpe 1994; Magnusson and Hilborn 2003). Juvenile Coho Salmon in all age-classes used estuaries for extended periods of time, including overwintering in estuaries or nearshore areas,

TABLE 5. Trait comparisons between estuaries and signature groups for pooled, catch weighted data shown by age-class for Coho Salmon captured in the Fox River and Anchor River estuaries. Only tests with probability values  $<0.10$  are reported.

Metric	Statistical significance	Pattern
<b>Comparisons between estuaries</b>		
Age 0		
Size	$t = 61.27, P < 0.01^a, df = 751$	Measured fish, Anchor fish larger
Entry date	$t = -2.50, P = 0.02, df = 30$	Laboratory fish, Anchor fish earlier entry date
Condition (Fulton's)	$t = -1.92, P = 0.06, df = 30$	Laboratory fish, Anchor fish higher condition
Age 1		
Size (FL)	$t = -5.95, P < 0.01^a, df = 889$	Measured fish, Anchor fish larger
Age 2		
Size (FL)	$t = -3.36, P < 0.01^a, df = 182$	Measured fish, Anchor fish larger
<b>Comparisons between estuary signatures</b>		
Condition (Fulton's)	$F = 13.12, P < 0.01^a, df = 103$	Fish with signature had higher, less variable condition
Dry weight	$F = 3.34, P = 0.07, df = 103$	Fish with signatures had higher, less variable dry weight
Capture date	$F = 5.14, P = 0.02, df = 103$	Fish with signatures showed later entry dates
Size (FL)	$F = 5.75, P = 0.02, df = 103$	Fish with signatures showed larger, less variable size

<sup>a</sup>Data are shown for all tests, Dunn-Sidak  $\alpha = 0.013$  for significant tests.

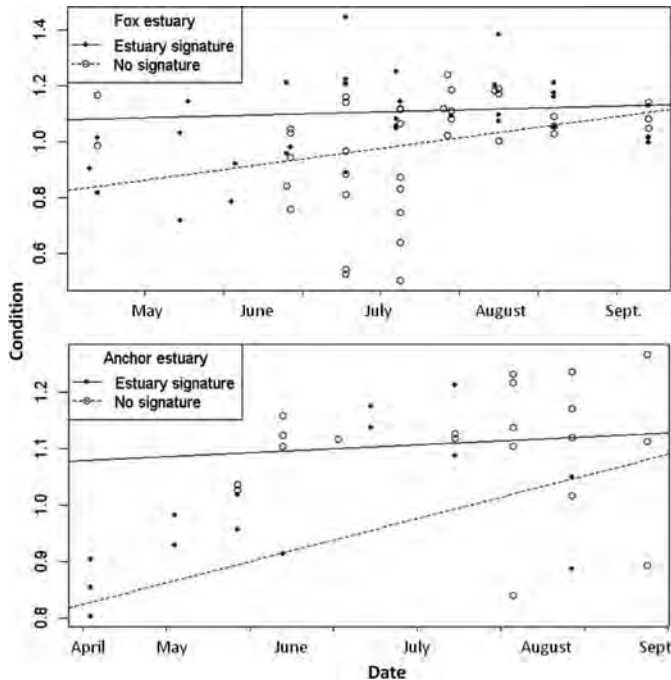


FIGURE 5. Fulton's condition factor for Coho Salmon shown by signature group and collection data from laboratory analyzed fish captured in the Fox River (upper panel) and Anchor River (lower panel) estuaries.

and these patterns of use differed between the two estuaries. The smaller, Anchor River estuary fed by snowmelt and spring water had larger, older fish that overwintered in the estuary or nearshore environments, and these fish used the estuary for shorter and earlier summer season periods prior to outmigration than did juveniles in the Fox River estuary. Fish in the larger, more complex, glacially fed Fox River estuary were composed of younger age-classes with longer summer residence times and few estuarine overwintering fish. Direct measurements of residence of older age-classes (ages 1–2) previously described were substantially shorter than those in our findings: up to 16 d (Chittenden et al. 2008) to 18 d (Miller and Sadro 2003).

Our observation of estuarine and nearshore overwintering juvenile Coho Salmon has theoretical implications regarding life history variability throughout the species range, though our observations are restricted to a central Alaska coastal population. This estuarine–marine overwintering life history pattern may be simply random movement or a response to a saturated or poor quality lower-river rearing habitat (Murphy et al. 1997) or, conversely, high estuarine habitat quality. Alternatively, it could represent exploitation of higher coastal productivity, forage, and nearshore habitat quality. All of these factors are expected to differ over the species range, even among adjacent systems within the same region. We note that incorporation of materials into the otolith matrix and our sampling regime do not allow us to distinguish between overwintering in the estuary channels themselves or the near shore environments of Kachemak Bay and Cook Inlet. The possibility exists that Coho Salmon enter nearshore

marine environments and rear by moving between a number of fjords and estuary habitats such as those that exist along the shoreline of Kachemak Bay and Cook Inlet. Further research is necessary for an understanding of the drivers and full range of overwintering areas used by these estuarine-resident juveniles.

Although we did not examine the mechanisms driving differential patterns of estuarine habitat use, we speculate that differences in timing of use among estuaries may be due to spatial variability in water turbidity, temperature regimes, and environmental factors that affect channel depths. Use of channels by juvenile salmon is often associated with water depth (Miller and Simenstad 1997; Webster et al. 2007; Hering et al. 2010), which in the glacially fed Fox River estuary increased gradually from mid-June to late August. The glacial run-off led to cooler and less variable water temperatures. Anchor River estuary channels are deepest in early spring during peak snowmelt and become most shallow and warm in mid-July and early August, cooling thereafter with fall rains. We captured most fish in late August in the Anchor River and in late July in the Fox River, suggesting a suitable combination of water temperature and channel depth to accommodate most estuary use.

Our findings also suggest variable use of estuaries by young-of-year and older age-classes of Coho Salmon. Miller and Sadro (2003) and Koski (2009) discuss the potentially important role of the “nomad” or young-of-year Coho Salmon that spend up to 8 months in the upper estuary ecotone and then return to freshwater to overwinter. Although a large proportion of young-of-year migrants exhibited summer season patterns of movement between freshwater and estuaries, we found no evidence of movement to freshwater environments to overwinter. The discrepancy here could be due to differences in the relative size and the definition of the estuary ecotones between our study and others or differences in methods. We defined the upper and middle estuary ecotones in which the sampling sites were located as the intertidal zone (point from highest to lowest tidal fluctuations) and may contain some channels with lower mean salinity levels at the upstream region of the intertidal zone. This may result in fewer fish from lower-salinity channels showing estuary use. We did examine the point measures of salinity across the tidal inundation zone and found that the most upstream channel of the Fox River estuary had generally low salinity (average, <2 mS/cm) with the exception of the spring tidal periods. However, we do not believe this biased our results because the sample size of fish was small and the relative proportion of fish with estuary signatures; i.e., fish lacking estuary signatures was similar to the overall sample (1:5 upper channel, 24:73 in the Fox River sample). Additional differences in our study may result from the variability of the tidal range (>8 m) because the Cook Inlet region is most likely very different from locations where other studies have been completed in lower latitudes. Finally, the methods we employed to determine estuarine residency were direct measures of Sr : Ca ratios (salinity of environment) and fish growth, as determined from the otoliths. Many other studies provide inference from mark–recapture work, which may be

biased to shorter periods and short-distance movements in areas where fish can be efficiently recaptured (Gowan et al. 1994).

Our study raises several interesting questions regarding the importance of the freshwater environment and watershed characteristics and their influence on exploitation of the estuarine environment—a point for future investigation. The influence of the watershed type and availability of suitable upstream rearing habitat may play a role in estuary use. Murphy et al. (1997) discuss the importance of lower-river freshwater areas in large glacial river systems for juvenile salmon rearing. We noted that the Fox River lacks the lower-river freshwater areas discussed by Murphy et al., whereas the Anchor River has ample lower-river habitats. The Anchor River estuary had a large proportion of older, larger resident fish with early entrance dates and shorter summer residence times, whereas the Fox River estuary had a smaller proportion of younger residents entering later and staying longer. This suggests that more suitable and extensive freshwater rearing habitat upstream may exist in the Anchor watershed (to allow for greater growth prior to estuary entry) and that temperature differences (cold glacier melt water versus warmer snowmelt and spring water) may contribute to patterns in growth and emergence timing. All but two of the Anchor River age-2 fish exhibited estuary overwintering during their second winter, implying an important role for the estuary, despite its small extent.

We did not determine the overall proportion of fish using the estuary during the juvenile phase in each population. It is possible that fish using the estuary for any amount of time may only contribute small numbers to the overall population within each river; it is probable that this varies from year to year. Simultaneous study of emigrating juvenile populations in the Anchor River (Gutsch 2012) noted a sudden drop in average length of Coho Salmon juveniles from approximately 100 mm to 80 mm toward mid-summer. These smaller individuals may overwinter within the estuary rather than move to the oceanic environment during a suboptimal period or body size—another possibility that warrants investigation. Regardless of the proportion of the reproductive population that these strategies compose, they contribute a unique suite of behaviors that increase trait diversity of each river's Coho Salmon population, diversity that represents adaptive potential that could contribute to population resilience to environmental change (Schindler et al. 2010).

Some interesting directions for future work include investigating the mechanisms for the differences in length, condition, residence times, and age composition found between fish using contrasting estuaries. We note that a possible nonlinear relationship between fish condition and time may exist in both estuaries (Figure 5). Though we are unable to address this question with our study sample, the possibility of influences of other estuarine environmental conditions on smolt condition (such as temperature and salinity) raises interesting questions for further investigation. A broader understanding of the importance of estuaries to different runs of salmon could be ascertained by determining the proportion of estuary residents in adult returns and how this

proportion varies over space, time, and estuarine complexity. Additionally, an understanding of the connections between the watershed, estuary, and near-shore environments during early marine rearing in Coho Salmon will facilitate strategic and knowledge-based management of these fragile and dynamic areas, thereby providing for resilient fisheries.

Prolonged use of estuary habitats (months during the summer and throughout the winter) may represent a distinct life history strategy that contributes to the overall population life history portfolio (Schindler et al. 2010). It follows, then, that pristine, functioning estuary habitats can contribute to resilience of salmon populations to environmental changes in two ways: (1) by providing a place for some individuals to increase in length and condition prior to ocean entry to improve survival, and (2) by providing for alternative life history strategies. Maximizing both the availability of supplemental habitats and life history diversity is particularly important given increasing human populations that stress land and water resource development and fishery resource use. Gaps in our understanding of environmental influences on life history expression arise from the fact that many of the highly studied salmon ecosystems in the Northeast Pacific are disturbed or substantially altered in some manner that has caused loss of variability in life history traits within populations (Miller and Simenstad 1997; Cornwell et al. 2001; Magnusson and Hilborn 2003; Bottom et al. 2005b; Healey 2009). Managers require a thorough understanding of the suite of environmental factors that influence the structure and survival of exploited fish populations to make decisions that provide the greatest benefit to all stakeholders (Bottom et al. 2009). This need stresses the importance of understanding functioning watersheds to inform management of endangered or threatened stocks.

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**STATE WILDLIFE GRANT (SWG)**

**STATE:** Alaska

**GRANT:** T-31-13

**PROJECT:** P-01

**WORK LOCATION:** Homer

**PERIOD DURATION:** February 1, 2015–June 30, 2016

**PROJECT REPORTING PERIOD:** February 1, 2015–June 30, 2016

**PROJECT TITLE:** Estuary Habitat Use by Juvenile Chinook and Coho Salmon in a Kenai Lowlands (Anchor) River.

**PROJECT AUTHORS:** Coowe Moss Walker and Brianna Pierce

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**Project Objectives:**

The purpose of the project: This project investigates key aspects of juvenile salmon use of estuaries in south-central, Alaska, including patterns of movement and residence in different estuary habitats.

**Objective 1:** Research demographic patterns of juvenile Chinook and Coho Salmon movement and residence through different reaches and channel systems in the estuary.

**Objective 2:** Identify characteristics (metrics) of tidal channels that potentially relate to fish occupancy, residence and feeding.

**Summary of Project Accomplishments:**

This project explores key aspects of juvenile salmon estuarine habitat use in a snowmelt, groundwater supported estuary of south-central Alaska. We investigated patterns of juvenile fish movement and residence in estuary habitats (objective 1), including different marsh channels and mainstem sites along a tidal gradient, through repeated fish sampling at the sites, tagging, recaptures and antenna detections. Features of those habitats that related to fish use (objective 2) were investigated through stationary loggers and point sampling. Our results revealed distinct environmental characteristics of the different habitats, with dissolved oxygen and water stratification explaining much of the variability between marsh channels and mainstem sites. Eight fish species were regularly captured in the estuary, including Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Dolly Varden (*Salvelinus malma*), Sockeye Salmon (*O. nerka*), staghorn sculpin (*Leptocottus armatus*), starry flounder (*Platichthys stellatus*), steelhead (*O. mykiss*), and three-spine sticklebacks (*Gasterosteus aculeatus*). Fish community assemblages differed between the habitats. In 2016, juvenile Chinook Salmon characterized the middle and upper mainstem habitats; however chinook were rarely captured in 2015, likely due to the low adult return of the previous year. After excluding highly abundant young of the year sticklebacks, juvenile Coho Salmon were the most abundant species in the estuary in both 2015 and 2016, averaging at least 25% of the total catch in all of the habitats. Small, age 0 Coho Salmon continued to enter the estuary from June through November. Marsh channel habitats were utilized by juvenile Coho Salmon, and to a lesser degree by juvenile Chinook Salmon. These marsh channels were characterized by large numbers of staghorn sculpin and three-spine sticklebacks in addition to the salmon. Starry flounder and staghorn sculpin were most

characteristic of the lower mainstem site. Data from tagged, recaptured and antenna detected salmon revealed juvenile Coho Salmon residing in the estuary for nearly 11 months, and juvenile Chinook residing for nearly 1 month. Both juvenile Chinook and Coho were documented moving upstream and downstream throughout the estuary, between mainstem and marsh channel habitats. Collectively, project results demonstrate that juvenile salmon use on a broad array of habitat types within the estuary, and highlight the importance of even small estuaries to juvenile salmon growth and resilience.

*Study Site:*

The Anchor River is located at the southern end of Cook Inlet (Figure 1), where there is a large tidal range (> 8 m depth) that can potentially create broad ecotones of habitat conditions within estuaries. Hydrology in the Anchor River watershed is driven by snowmelt and shallow ground water. The watershed encompasses over 580 square kilometers, including 266 river kilometers accessible to anadromous fishes (Kervliet *et al.* 2013). The estuary at the mouth of the Anchor abruptly transitions into the marine environment of Cook Inlet after flowing through an expansive marsh habitat, protected from maritime storms and erosion by a gravel and sand bar that extends along the shoreline. Measured from high-water tide line to the confluence with Cook Inlet, the estuary is nearly 3 km in length (Hoem Neher *et al* 2013b).

We established five sites within the Anchor River estuary, representing a range of conditions, including two marsh sites, one located at the lower extent of the vegetated marsh, and one located in a mid-marsh area, and three sites along the river mainstem (Figure 2).



Figure 1. Overview of the middle marsh area of the Anchor River estuary in mid-summer.





Figure 2. Aerial image of the Anchor River estuary, showing sampling locations. Sampling sites: orange stars = estuary marsh habitat; blue stars = mainstem river sampling sites along a gradient from the upper extent of saltwater influence (light blue) to the lower extent of marsh vegetation (dark blue).

### *Methods*

We collected data in 2015 and 2016, at the five established sites. In 2015, sites were sampled approximately once per week from late-July to early-September, with additional sampling in October and November. In 2016 sites were sampled every other week beginning in late May and continuing through September. Continuous depth, temperature and salinity data were collected from stationary loggers placed in each of the marsh channel habitats (Solinst TM 3001 level loggers, Solinst Canada Ltd., Ontario, Canada), calibrated with a Solinst TM 3000 barologger set onsite. Level loggers were set at 15-min recording intervals and placed in 5 × 25 cm plastic housings attached to steel fence posts driven into the substrate. Point measurements were taken for each sampling event at all of the sites to collect data on maximum depth, flow, temperature, salinity, and dissolved oxygen, taken at three points in the water column (just below the surface, mid-water column, and just above the substrate) using a YSI model 30. Turbidity data were collected using a YSI 6600 series data sonde, with a YSI 6136 turbidity sensor (YSI Instruments Inc.)

Fish were sampled by seining; in the marsh channels, block nets (0.3 cm mesh) were placed at both ends of the 25 m reach and fish were captured in three passes with a pole seine (2.2 × 6 m, 0.3 cm mesh). At mainstem sites, a pole seine was pulled 25 m parallel to the bank in the upstream direction in 2015; and in 2016, we used a 20 ft beach seine, pulling either upstream, or across the channel (Figure 3). Fish were counted, identified to



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species, weighed, measured, and returned to the channel. Salmon over 55 mm in length received a Passive Integrated Transponder (PIT) tag, and a subset of fish had their stomach contents sampled via gastric lavage. Fish were held in recovery pens in the channel prior to release.

PIT tag reading antennas were established in four sites in 2015, reduced to three sites for 2016 due to one of the sites becoming too dry (Figure 4). Each antenna array consisted of two antennas so that direction of movement could be detected. Antenna efficiency was calculated for segments of time between each sampling event by dividing the number of unique tags detected at the antenna by the number of tags known to have passed through (as determined by detection or recapture) (Table 1).

To compare fish catch samples across sites, we used log transformed catch per unit effort (CPUE), using the first pass from each sampling event.

$$CPUE = \frac{\text{\#fish per area sampled}}{\text{area sampled}}$$

*area sampled = transect length\*net curved-width for mainstem sites and  
transect length\*average channel width for marsh channels.  
average channel width = mean wetted width at 5m intervals along the transect at low tide.  
CPUE was log transformed*

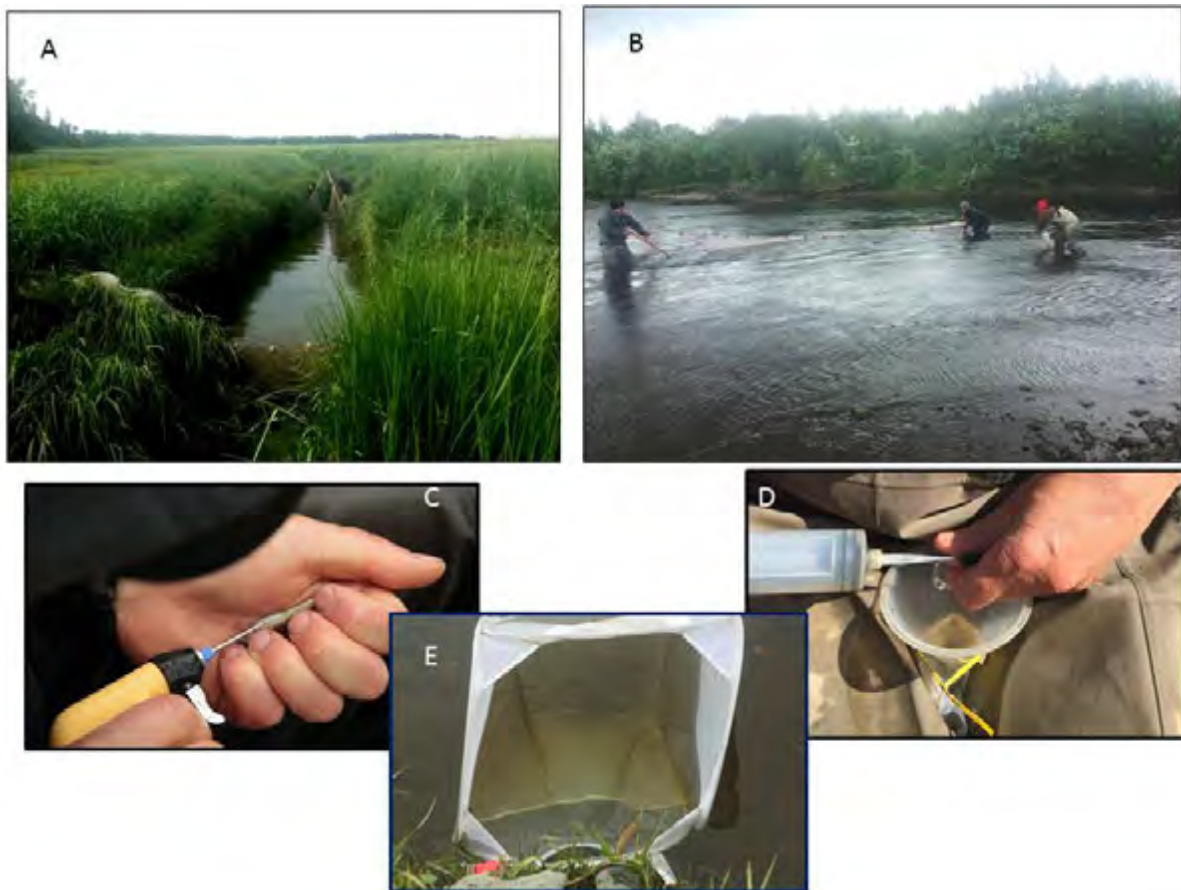


Figure 3. Fish were captured using pole seines in block-netted marsh channels (A), or beach seining in the mainstem (B). Salmon > 55 mm in length were PIT tagged (C); gastric lavage was used to collect stomach samples from representatives of all age classes of juvenile Coho and Chinook Salmon (D); fish recovered in protected in-stream pens (E).

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To estimate the standard growth rate (SGR) of PIT tagged Coho Salmon and staghorn sculpin, we measured the length and weight of recaptured fish (excluding recaptures within ten days of tagging):

$$\text{Standard Growth Rate} = \ln(\text{recap weight}/\text{initial weight})/\text{days since tagging}$$



Figure 4. PIT tag reading antenna locations, shown as yellow bars.

## Results

### Channel metrics

Environmental conditions varied temporally and spatially in the different estuary habitats (Figure 5). Mainstem sites were consistently deep (~1 m), with stronger flows (> 20 cm/s), salinities near zero, and consistently high dissolved oxygen levels (> 10 mg/L). Both marsh channels had consistently low flows. Marsh channel B (closest to the river mouth), showed a marked response to extreme tide events, with higher and more variable salinities. This is likely due to each channel's connectivity to the mainstem, where a silt sill at the mouth of the channel requires the tide to reach approximately 4.5 m before the channel is inundated. The mid marsh channel, Marsh channel A, by contrast, is always connected to the mainstem. This physical feature enables Marsh channel B to maintain environmental stability during low and moderate tides. Temperatures at all sites generally increased over the course of the field season, although July rains lowered the temperature and correspondingly increased turbidity in mainstem sites, but not in the marsh channels. At times during mid-summer temperatures in mainstem sites consistently exceeded 15°C. Marsh channel sites were generally cooler (rarely exceeding 15°C), and had much lower dissolved oxygen levels, with the mid marsh channel (A) dropping below 4 mg/L in August.

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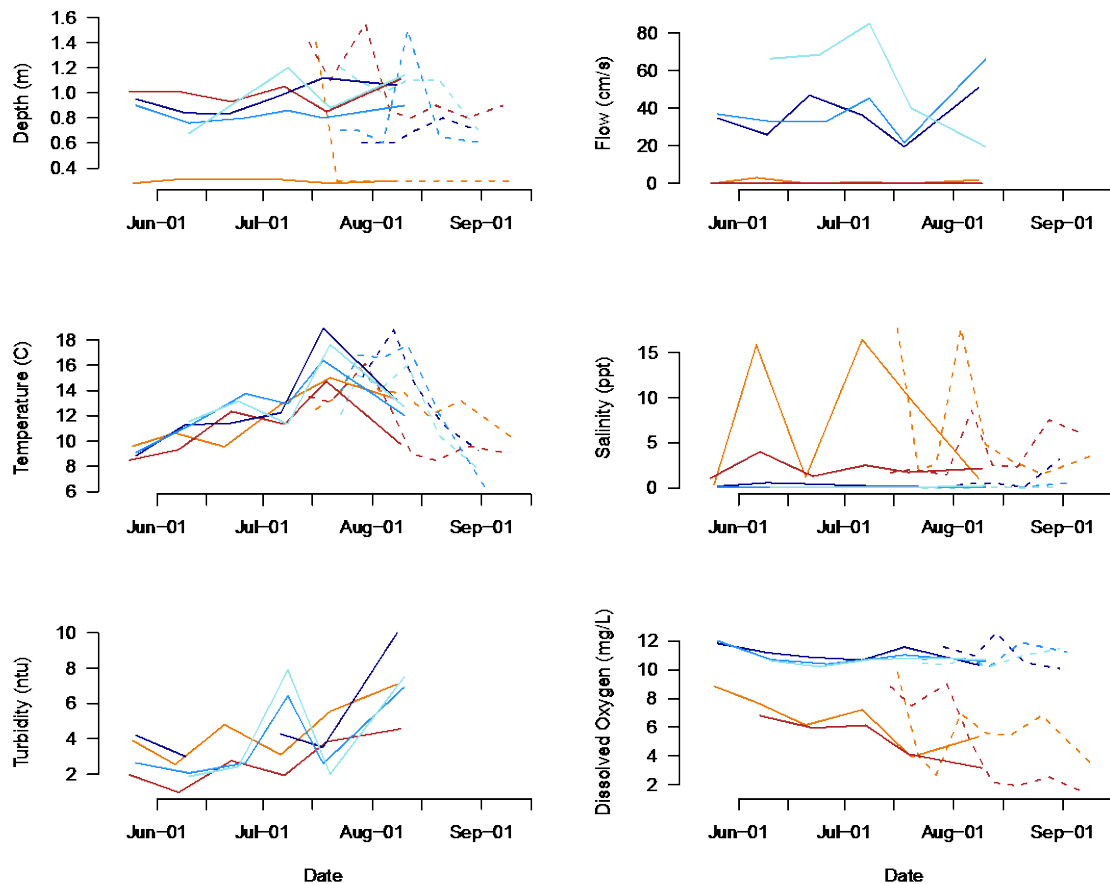


Figure 5. Point measurements of environmental variables over time at each sampling site in 2015 (dashed lines) and 2016 (solid lines). Line colors correspond to sites as indicated in Figure 2 (red = Marsh A, orange = Marsh B, purple = lower mainstem, dark blue = middle mainstem, light blue = upper mainstem). Note: Turbidity and flow were not recorded in 2015.

A Principle Components Analysis (PCA) of environmental variables for 2015 and 2016 revealed that the two marsh channels were distinct from each other, and from the mainstem sites (Figure 6). Substantial variability in the two marsh channels contrasted with the mainstem sites, where the environmental conditions were much more stable. In both years, higher dissolved oxygen levels in the mainstem, and a greater degree of water stratification in the marsh channels were primary drivers of differences in environmental conditions between the different habitats.

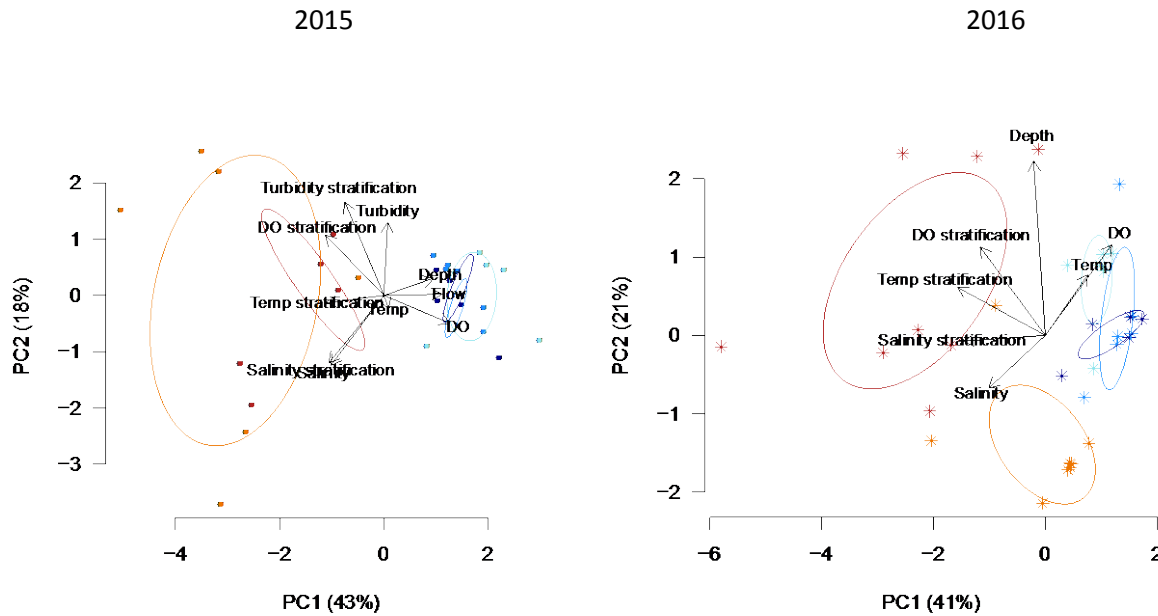


Figure 6. Principle components analysis (PCA) of environmental variables collected during each sampling event for 2015 (left) and 2016 (right). In both years, PC1 explains significantly more variability than would be expected from the null distribution ( $p < 0.01$ ). PC2 is not significant. Points represent individual sampling events and are colored by site, corresponding to colors indicated in Figure 2. Ellipses denote the standard deviation from each site centroid. The association of environmental variables with the principle component axes is illustrated by the vector arrows, with the length of arrow proportional to the variance explained. DO = dissolved oxygen, Temp = temperature. Point readings were taken at three points in the water column (bottom, middle, and surface).

#### *Fish*

Similar to other estuaries in Alaska, the Anchor River estuary has relatively low fish diversity. Of the over 16,400 fish sampled, fifteen species were represented, nine of which were present at multiple life history stages, including large numbers of young of the year ( $< 20$  mm) staghorn sculpin and three-spine sticklebacks (Figure 7).

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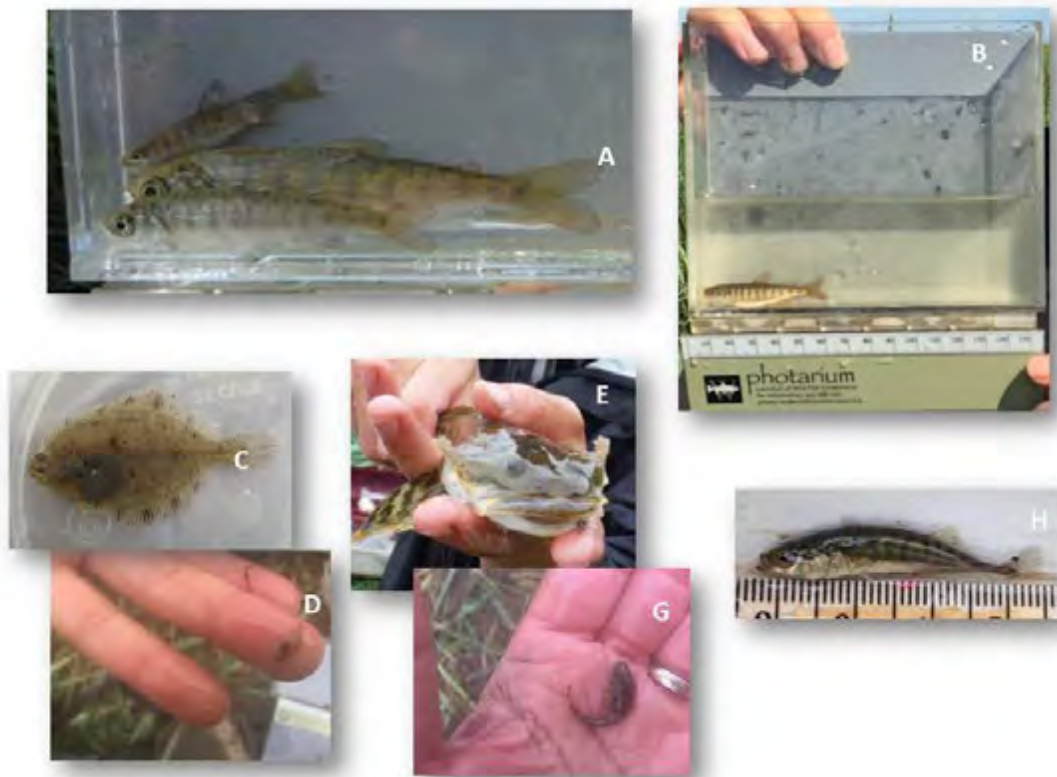


Figure 7. The most abundant captured fish included three age classes of juvenile Coho Salmon (A), juvenile Chinook Salmon (B), starry flounder (C) including young of the year (D) staghorn sculpin (E) including young of the year (G), and three-spine stickle backs (H) including young of the year.

Species composition varied across the sites (Figures 8 and 9). Coho Salmon were abundant in all sites, comprising on average nearly three-quarters of the total catch in the mid marsh channel (Marsh A), but only 25% in marsh channel B. In the mainstem channels, Coho were most abundant (although much less so than Chinook Salmon) in the middle mainstem site during late June. Two main pulses of Coho Salmon, one in early June and one in early August, occurred in the marsh channels, and to a lesser degree in the lower mainstem channel, and small, age 0 Coho Salmon continued to enter the estuary into November (Figure 15). Chinook Salmon comprised less than 1% of the catch in 2015, but were commonly found in mainstem sites in 2016. They were abundant early in the season at the upper mainstem site and to a lesser degree in Marsh channel A, with another pulse of juvenile Chinook Salmon at the upper mainstem site in late August. The highest abundance of Chinook Salmon (densities of 4 fish/m<sup>2</sup>), were in the middle mainstem site in early June. Staghorn sculpin were most abundant in the lower marsh channel (Marsh B), where they increased from June to July, reaching and maintaining densities of 3 fish/m<sup>2</sup> through early August. Starry flounder were most abundant in the lower mainstem site, and lower marsh channel (Marsh B), with a marked increase in abundance in early August in both marsh channel habitats, as well as the upper mainstem. Dolly Varden were only present in small numbers in the mainstem sites, and three-spine sticklebacks were only present, but in large numbers, in the marsh sites. Small numbers of Sockeye Salmon were captured in all sites, except for the lower mainstem, although they were most abundant in the marsh channels, and Steelhead were found only in the upper and rarely in the middle mainstem site.

Overall, the two marsh channel habitats generally had higher densities of fish than the mainstem sites, with the exception of the middle mainstem site, which had high densities of Chinook Salmon in early June, steadily decreasing throughout the summer. Trends in abundance appear relatively consistent between 2015 and 2016;



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with the exception of Chinook Salmon, which were only present in very small numbers overall in 2015, and juvenile steelhead, which were rare in 2016.

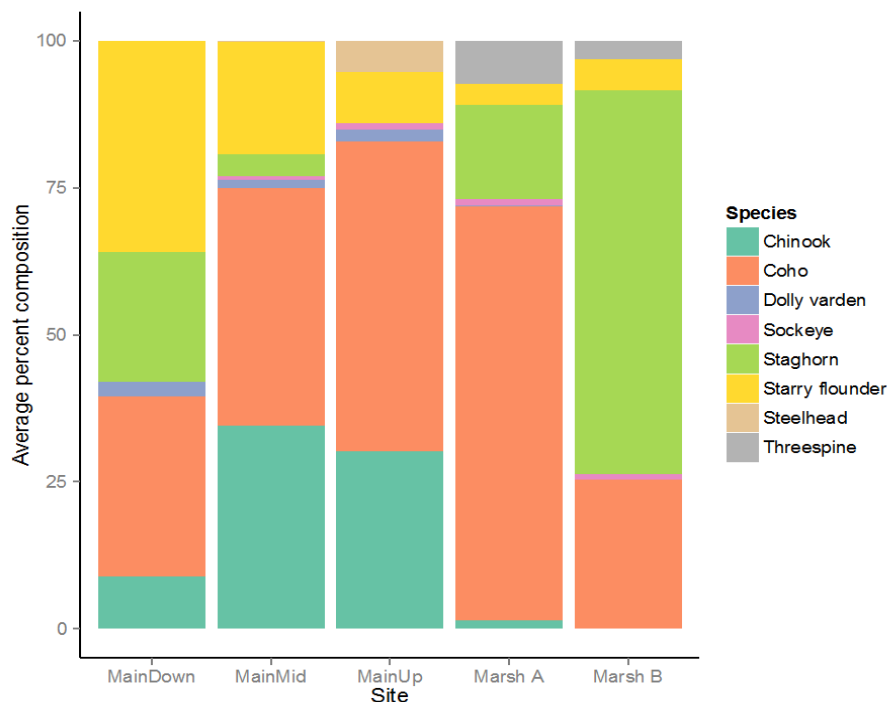


Figure 8. Average species composition at each site (2015 and 2016 data combined) based on log-transformed catch per unit effort. Staghorn = staghorn sculpin, Threespine = three-spine stickleback.

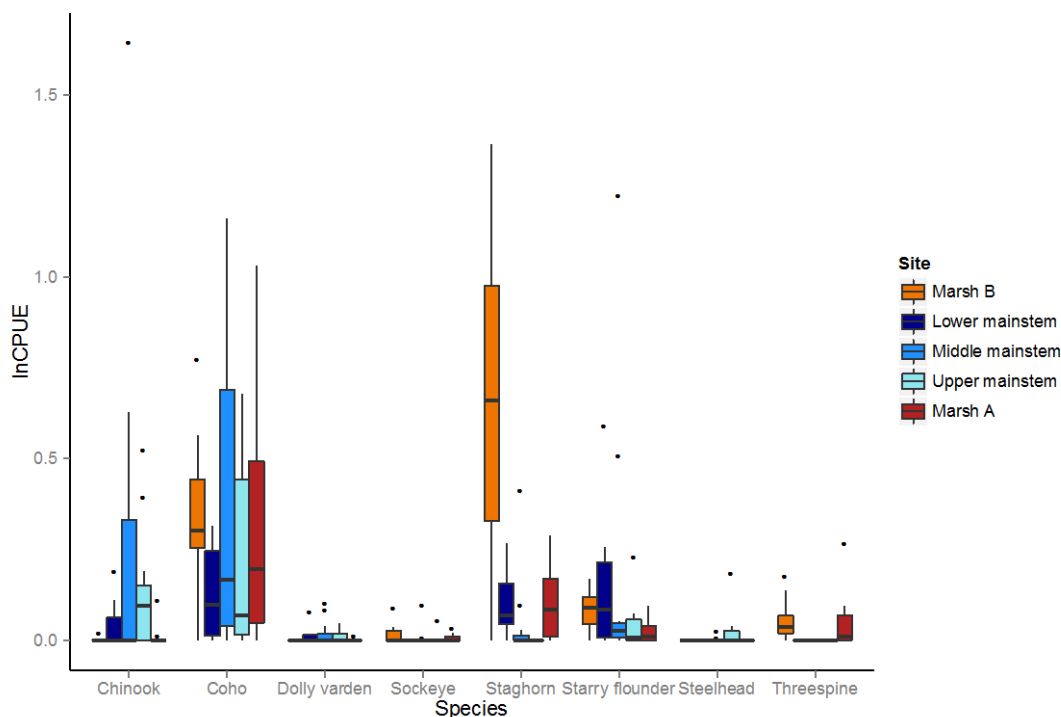


Figure 9. Boxplot of catch per unit effort of the primary fish species at each site (2015 and 2016 data combined). Staghorn = staghorn sculpin, Threespine = three-spine stickleback.

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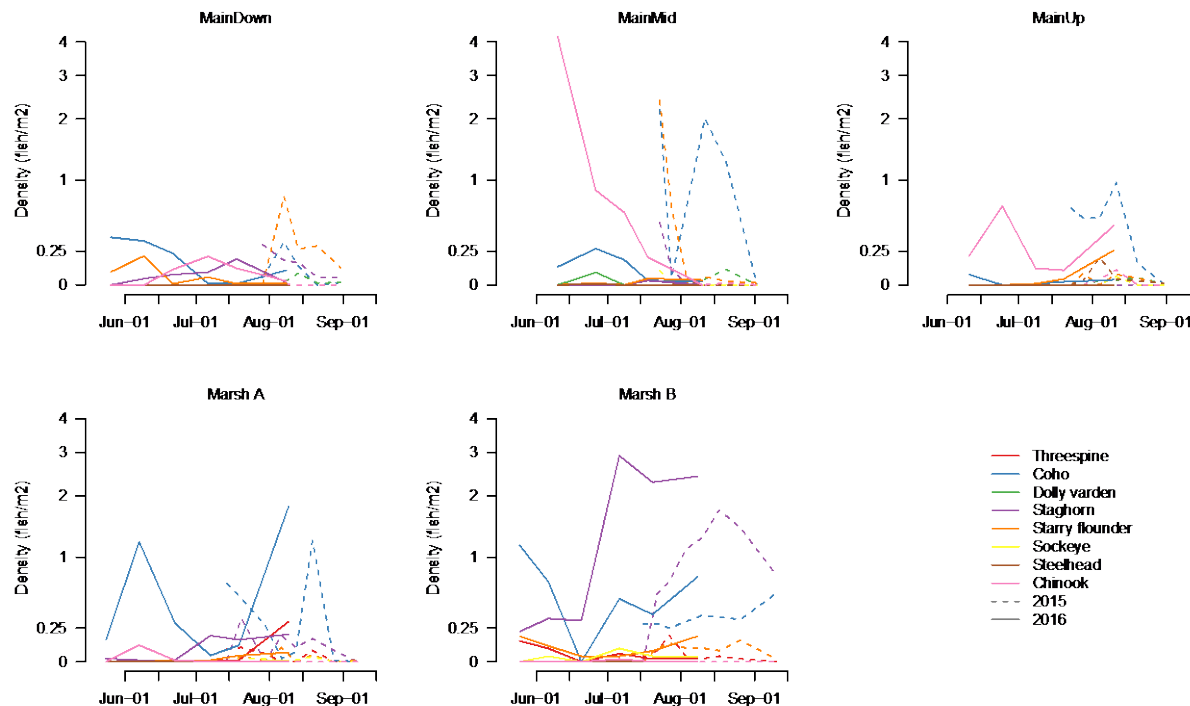


Figure 10. Catch per unit effort over time at each site for the primary fish species. Note log scale on the y-axis. Staghorn = staghorn sculpin, Threespine = three-spine stickleback. Dashed lines are 2015 data, solid lines are 2016 data.

A non-metric multidimensional scaling (NDMS) analysis of relative fish species abundance revealed distinct differences that remained fairly consistent for the two marsh habitats and the lower mainstem habitats. Newly hatched three-spine sticklebacks numerically dominated the fish community in the mid marsh site (Marsh A), staghorn sculpins dominated the lower marsh site (Marsh B), and a mix of staghorn sculpin and starry flounder typified the lower mainstem site (Figure 11). The middle and upper mainstem sites were characterized by Coho Salmon and steelhead in 2015; however Chinook Salmon were the characteristic species for these two sites in 2016 (Figure 11). The middle mainstem site exhibited the most variable fish assemblage in both years, as evidenced by the wide spread of sample points.

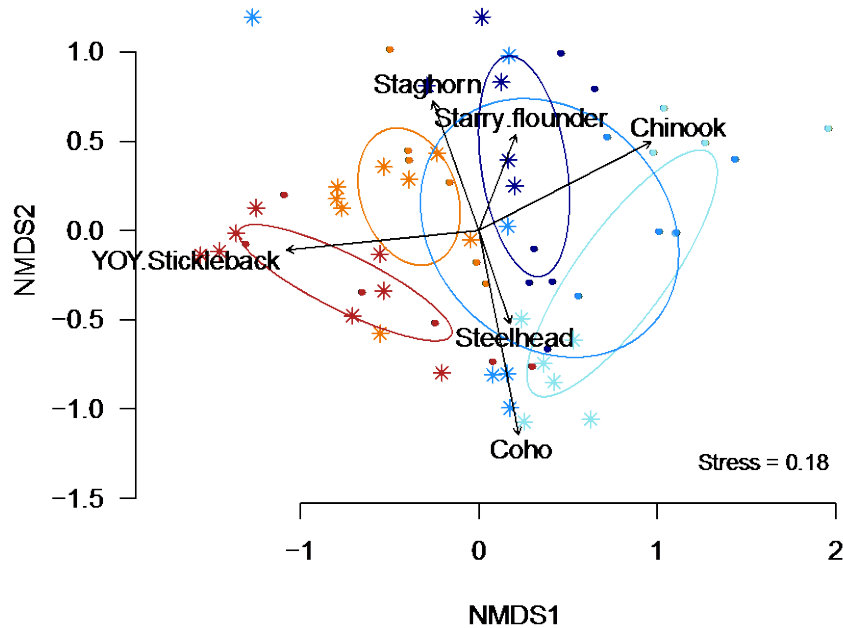


Figure 14. Two-dimensional nonmetric multidimensional scaling plot of relative species abundance for 2015 (stars) and 2016 (points) using Bray-Curtis dissimilarity. CPUE was log-transformed because the data were heavily right-skewed, and then row-standardized to compare relative species abundance across samples. Points represent samples and are colored according to site as indicated in Figure 2. Ellipses represent the dispersion of each site, and are based on the standard deviation to the site centroid. Vectors indicate the magnitude and direction of species loadings (variable weights) on the composite axes. Only those species that significantly contribute to the ordination ( $p < 0.01$ ) are displayed. YOY = young of year sticklebacks (< 20 mm fork length), Staghorn = staghorn sculpin.

In both 2015 and 2016, three age classes of Coho Salmon were present in the estuary habitats. Length frequency distributions for 2015 and 2016 indicates that small, age 0 fish continue to enter the Anchor River estuary throughout the summer and fall (June – November) (Figures 15 and 16).

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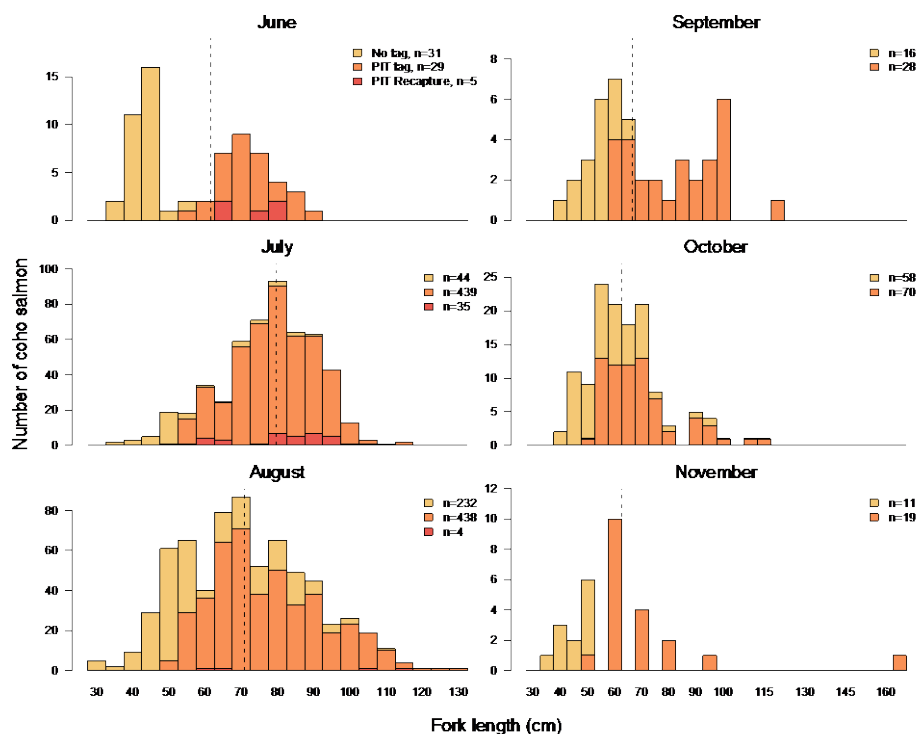


Figure 15. Length frequency histograms for Coho Salmon sampled in 2015. Bars are colored to indicate fish that were not PIT tagged (yellow), PIT tagged (orange), and PIT tagged fish that were later recaptured (pink). The vertical dashed line marks the median length.

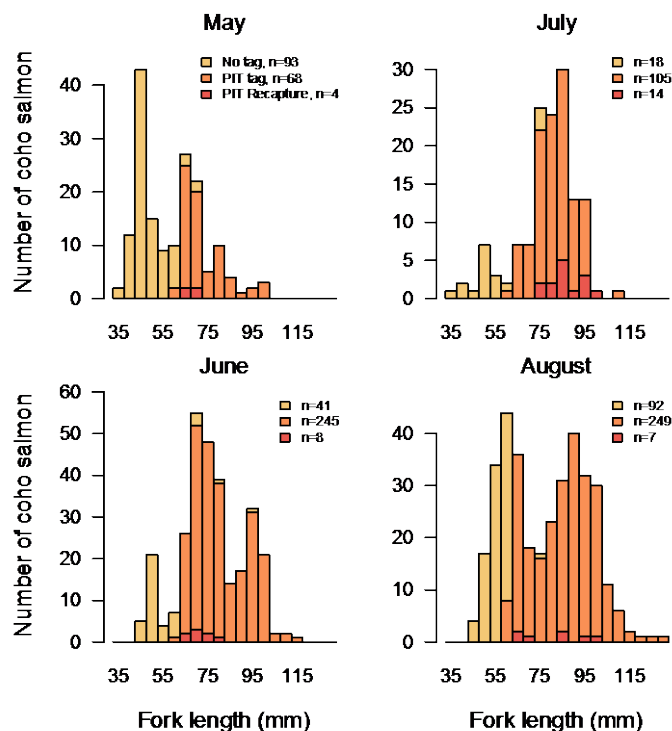


Figure 16. Length frequency histograms for Coho Salmon sampled in 2016. Bars are colored to indicate fish that were not PIT tagged (yellow), PIT tagged (orange), and PIT tagged fish that were later recaptured (pink).

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## *Movement and residence*

Unfortunately, the PIT tag detecting antenna arrays were rarely working in synchrony in 2015, and were inoperable during the winter due to severe icing and tidal movement of large pieces of wood debris. Antenna operation was re-established in April 2016, and we calculated detection efficiencies for each antenna that was consistently operational as the number of unique tags detected by the antenna divided by the number of tags known to have passed through (as determined by detection or recapture). As Table 1 shows, detection efficiencies were marginal during most periods (Connolly *et al* 2011).

Table 1. Detection efficiencies for each PIT antenna in 2016 in approximately two-week intervals corresponding to tagging events at each site.

Data range	Marsh A up	Marsh A down	Marsh B up	Marsh B down
Late May – early June	0.381 (8/21)	0.532 (25/47)	0.571 (16/28)	0.571 (8/14)
Mid June	0.097 (3/31)	0.419 (13/31)	0.533 (8/15)	0.00 (0/2)
Late June – early July	0.654 (17/26)	0.442 (19/43)	--	0.500(2/4)
Mid July	0.714 (5/7)	0.000 (0/4)	0.500 (8/16)	0.00 (0/5)
Overall efficiency	0.388 (33/85)	0.456 (57/125)	0.542 (32/59)	0.400 (10/25)

Over three-hundred Chinook Salmon, the majority of which were in the upper and middle mainstem sites, as well as approximately sixteen-hundred Coho Salmon, the majority of which were tagged in the marsh channels, were PIT tagged between 2015 and 2016; (Figure 17). Although recapture rates of PIT tagged fish were low, they appear to reflect the size distribution of tagged fish, indicating that recapture is not biased by fish size (Figures 15 and 16).

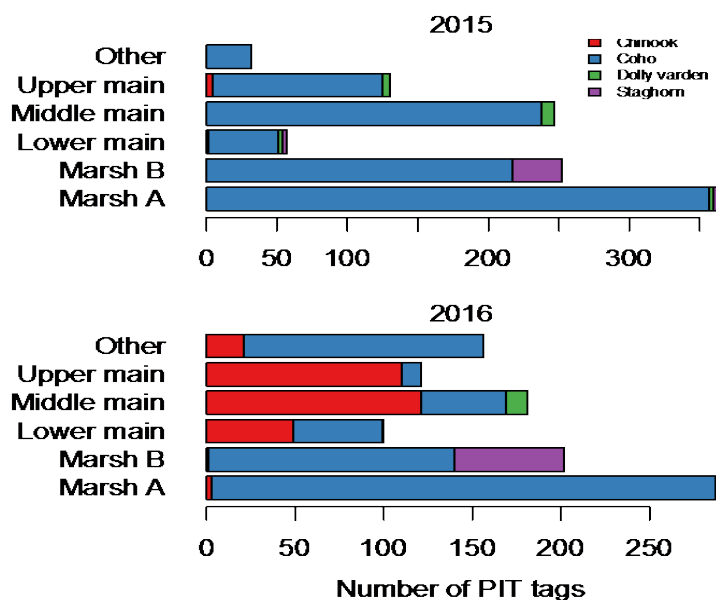


Figure 17. Distribution of PIT tags by site and species in 2015 and 2016. Data extends through 9/2/16.



Through a combination of antenna data and recaptures, we were able to detect fish movement between sites. Although fish were commonly recaptured in the same site that they were first tagged in, they were also frequently recorded in other habitats, indicating a broad range of movement, including upstream and downstream, from the mainstem into marsh channels, and from marsh channels into mainstem habitats (Figure 18).



Figure 18. (left top) A chord diagram indicating the number of recaptured Coho Salmon and their movement among sites (colored by original tagging location); and (right) generalized observed patterns of movement.

Recaptured juvenile Coho Salmon and staghorn sculpin showed an average standard growth rate (% increase in body weight per day) of 1.43% and 3.06%, respectively, over the 2016 season. In terms of length, this corresponds to approximately 0.37 mm/d for Coho Salmon and 0.91 mm/d, for staghorn sculpin (Figure 19).

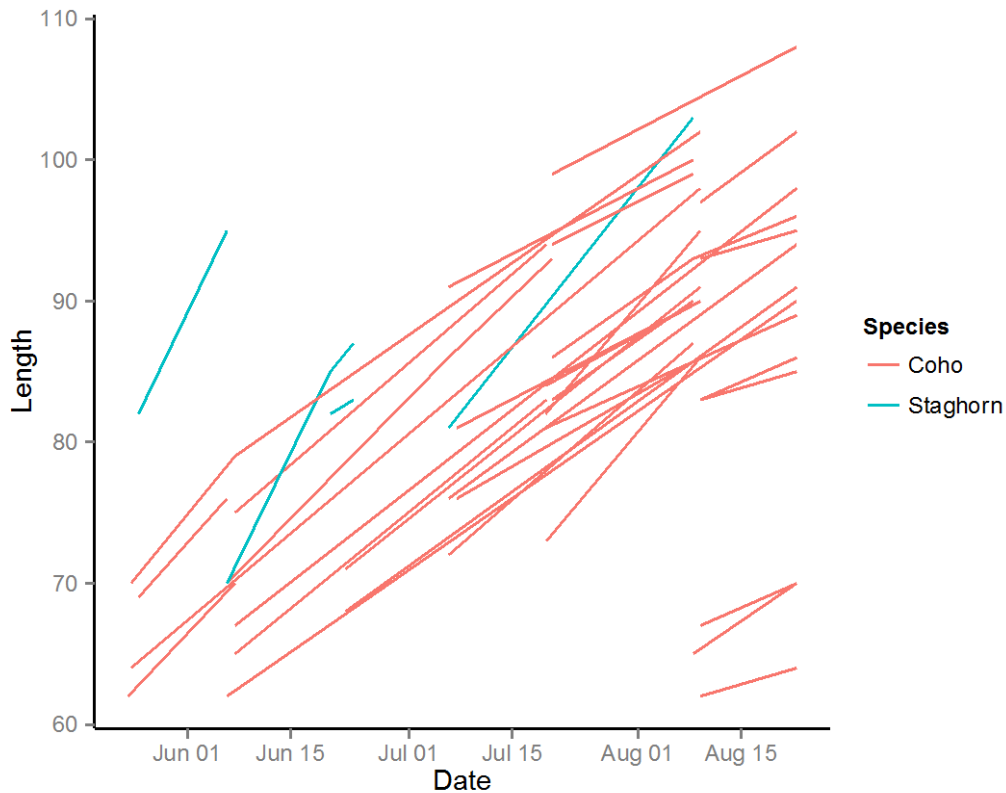


Figure 19. Growth of recaptured fish over time. Each line segment refers to an individual fish indicating its length when it was initially tagged and subsequently recaptured. Data presented here are from 2016 only, extending through 9/2/16.

#### Discussion

Coho and Chinook Salmon have different life history types, with some individuals spending considerable portions of their life cycle (1-3 years) in freshwater and estuarine environments before migrating to open ocean. It is believed that this diversity in life histories results in high resilience of these salmon populations to environmental variability and change (Bottom *et al.* 2011). Results from this project show that distinct environmental conditions can exist even within a rather small estuary, such as the Anchor, and that juvenile salmon are present across a broad range of habitats. Juvenile Coho Salmon were present in marsh channels and mainstem habitats, with pulses of small, age 0, fish coming into the estuary throughout the summer and fall. The longest record of estuary residence from this study was a Coho Salmon that was initially tagged in mid-June of 2015 in a small channel near the upper mainstem site that went dry soon after the tagging event. Although we thought that the fish present at that site would be trapped by low river flows, it is likely that high tide events allowed the fish to escape, enter the mainstem, and eventually make its way to the mid marsh channel, where it was recaptured 327 days later (mid-June 2016). Residing nearly a year in the estuary, this fish illustrates the long term use of estuary habitats that may be a distinct life history strategy for juvenile Coho Salmon (Miller and Sadro 2003; Koski 2009, Hoem Neher *et al* 2013a). This adds to the growing recognition that estuaries may support alternative life history strategies of Coho Salmon that contribute to overall population resilience and health (Schindler 2010; Hoem Neher *et al* 2013a; Hoem Neher *et al* 2013b).

Chinook Salmon were predominantly present in mainstem sites, although there was some movement into the marsh channel sites as well. In general, Chinook Salmon had lower residence times within the estuary than Coho Salmon, with the longest record being a juvenile Chinook that was tagged in the middle mainstem site in

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early July, and was detected at a PIT antenna nearly 30 days later in the mid marsh channel. Interestingly, two other species; staghorn sculpin and Dolly Varden, also exhibited long residence times within the estuary (189 days, and 231 days, respectively). Few Chinook Salmon were captured in 2015, which is likely due to the very low adult returns of the previous year. In 2014, roughly 2,500 adults returned, whereas in 2015, over 10,000 adults Chinook Salmon returned to the Anchor River, with the result that far more juvenile Chinook Salmon were rearing in the estuary in the 2016 season.

The range of environmental conditions present at the different sites in the Anchor, including fast flowing mainstem sites that are well mixed, with high dissolved oxygen levels, to marsh channel sites that have low flows, and a high degree of stratification, provide a broad suite of conditions, and juvenile salmon apparently take advantage of their ability to move between habitats, as evidenced by the observed movement patterns. Further study is needed to understand the drivers of movement. The presence of other fish species likely has some influence on juvenile salmon. For example, small staghorn sculpin were observed as prey for juvenile salmon, yet will become predators of juvenile salmon when they are larger.

The high densities, prolonged residence, movement and growth of juvenile salmon in the Anchor River estuary support the importance of even relatively small estuaries to juvenile salmon rearing. The amount of movement among estuary habitat types supports the concept of conservation for the entire estuary in order to maintain full habitat potential and resilience.

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- Koski KV. 2009. The fate of Coho Salmon nomads: the story of an estuarine-rearing strategy promoting resilience. *Ecology and Society* (online serial)14:article 4.
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<b>FEDERAL ASSISTANCE FINAL PERFORMANCE REPORT</b>	<b>ALASKA DEPARTMENT OF FISH AND GAME SPORT FISH DIVISION PO Box 115526 Juneau, AK 99811-5526</b>
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Schindler DE, Hilborn R, Cghasco B, Boatright CP, Quinn TP, Rogers LA, Webster MS. 2010.  
Population diversity and the portfolio effect in an exploited species. Nature 465: 609-612.

**Final Report Status:** This performance report is the final report for this project during the reporting period (February 1, 2015–June 30, 2016).

**Prepared By:**

Coowe Moss Walker

Watershed Ecologist, Kachemak Bay National Estaurine Research Reserve, UAA

Brianna Pierce,  
MS candidate, University of Washington

**Date:** September 2016

## Wall, Bruce

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**From:** Joseph Sparkman <jay1332@att.net>  
**Sent:** Friday, July 13, 2018 1:41 AM  
**To:** Wall, Bruce  
**Subject:** Proposed gravel pit on Danver street in Anchor Point

Bruce Wall, My wife and I are another couple who are very disturbed by this proposed gravel pit.

We would first ask you to put yourself in our and our fellow neighbors positions of having a mining operation in our back yard. How would you feel about this for you and your family?? Any other state I have lived in this proposal would not have a chance. This is an area of private homes, not of commercial enterprise! The key points you will consider as I understand it are: dust, noise, and visual impacts. All these are inarguably detrimental to all of us around this proposed mining operation and they can not be minimized.

The destruction of our visual enjoyment of our property can not be minimized because we are on a hill overlooking the proposed mine about 80 feet up, a 6 foot berm is not going to hide this operation. We will then have our retirement home overlooking the Anchor River, Cook Inlet and a gravel Pit! It is also obvious there is nothing they can do to minimize the dust, How?? Excavators, Loaders, rock crushers, dump trucks etc = dust and lots of noise. I hope you will consider your fellow neighbors when making this decision.

thanks for your time and consideration of this matter,

Sincerely,

Joseph and Denise Sparkman  
73884 Seaward ave  
Anchor Point, AK



## Wall, Bruce

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**From:** Noyes, Karyn  
**Sent:** Tuesday, July 10, 2018 12:08 PM  
**To:** Wall, Bruce  
**Subject:** RE: KPB CLUP Material Site Application - Parcel 169-010-67

Bruce,

I have reviewed the proposed Conditional Land Use Permit application for a Material Site located in the Anchor Point Area, indicated by the parcel listed below.

Legal Description

T 5S R 15W SEC 5 SEWARD MERIDIAN HM 0800104 MCGEE TRACTS DEED OF RECORD BOUNDARY SURVEY TRACT B

KPB Parcel ID

16901067

Although the State of Alaska has allowed the Coastal program to lapse, the Kenai Peninsula Borough has the coastal program set in Ordinance.

This project is consistent with the Kenai Peninsula Borough's Coastal Management Plan. Future plans to excavate below the water table may require further evaluation to assess the impact changes in groundwater may have on the anadromous Anchor River.

Please feel free to contact me if you have any questions.

Sincerely,

**Karyn Noyes**  
Resource Planner  
Ph: (907) 714-2468

### **KENAI PENINSULA BOROUGH**

**514 Funny River Road  
Soldotna, Alaska 99669**



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

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**From:** Wall, Bruce  
**Sent:** Friday, July 06, 2018 9:34 AM  
**To:** Best, Max; Carver, Nancy; CEPOA-RD-KFO, POA; Chandler Long (chandler.long@alaska.gov); Charley Palmer (charley.palmer@alaska.gov); Christopher Miller (chris.miller@alaska.gov); Clark Cox (clark.cox@alaska.gov); David May (DMay@kpbsd.k12.ak.us); Dearlove, Tom; Dustin Firestine (firestine.dustin@dol.gov); Harris, Bryr; Jeff Green (jeffrey.green@alaska.gov); Kyle Graham; Malone, Patrick; Mark Fink (mark.fink@alaska.gov); Michael Walton

(michael.walton@alaska.gov); Montague, Holly; Mueller, Marcus; Ninilchik Tribe (ntc@ninilchiktribe-nsn.gov); Noyes, Karyn; Shears, Jennifer; Simpson, Danika L (DOT)  
**Cc:** Gina Debardelaben; emmitttrimble@gmail.com  
**Subject:** KPB CLUP Material Site Application - Parcel 169-010-67

Please see the attached public notice, staff report, application, and associated documents for a conditional land use permit application.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

**KENAI PENINSULA BOROUGH**  
**144 North Eklakley Street**  
**Girdwood, Alaska 99669**



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

## Wall, Bruce

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**From:** Lorri Davis <homesteadart@gmail.com>  
**Sent:** Thursday, July 12, 2018 1:01 PM  
**To:** Wall, Bruce  
**Subject:** Gravel pit at Danver and beach access, Lorri Davis

My comments concerning the proposal for a gravel pit on Danver and the beach access road.

I am a resident of Anchor Point. I was shocked when I heard of a plan to operate a gravel pit in an area where it is quite obvious it is a well established *residential* and *recreation* area. It makes no sense to put one persons desire to run a business of this kind in the area where it will have an impact on all people coming to recreate and live in that area. Anchor Point is a beautiful and bountiful location for families and fisherman. It has been this way for years and a gravel pit right in the middle of it all will become a deterrent to people visiting and enjoying the area. It would adversely affect the economy of Anchor Point in many ways from small businesses, to the boat launch and campgrounds. Here are the reasons I see to not permit this gravel pit.

1. We have well established campgrounds, one that borders on this property and others close by, run privately. A gravel pit next to or near by makes no sense. The noise and dust would be a great downer to anyone trying to enjoy these areas. These businesses will suffer because of it and how can a business so opposite to fishing, wildlife, and recreation fit in this area? This would no longer be a place for recreation. It is like oil and water. They do not mix. It will change the whole perception of the entire area.
2. The beach access road or Anchor Point Rd. will not be able to handle the traffic of large boats, large RV"s and gravel trucks going back and forth. Right now, a person walking on the road is taking their lives into their own hands. The road is somewhat narrow, not to mention the bridge is basically a one lane bridge. Recently there was a gas pad proposal approved on private property just up the hill off the Old Sterling Hwy that will increase truck traffic going back and forth. I am not sure this was even considered with that proposal but I see a huge increase of big trucks on these small windy roads is a disaster waiting to happen.
3. I feel heartsick for the residents who already established homes in the area of the pit. I am sure they never thought they would wake up one day to find their backyard of vegetation, trees and wildlife are to be scoured to unearth gravel. The noise is another factor. Who doesn't enjoy the sound of trucks and machinery over the sound of the ocean and peace and quiet? Many, many of us! I think it is really irresponsible and shows lack of respect for neighbors living in Anchor Point. This will have an impact on everyone's home prices and business prices for sure.
4. The environmental impact to the area is not known but it is not a positive step forward. The Kachemak Bay Bird Festival draws lots of people, every year, from out of state, to the area. One of the areas they encourage Birders to drive to, to observe all kinds of migrating birds is Anchor Point. We all have wildlife sharing our beaches and properties. Take out many acres from this very sensitive area and it will have a direct impact to the amount of wildlife. Noise, dust and loss of habitat is not a positive thing. Personally this is a big concern of mine. I am an artist and have been working on establishing children's art academy for Anchor Point that focuses on introducing kids to the habitat and beauty of Anchor Point. I was looking to purchase a small property in the area for a studio but have now reconsidered due to lack of support for the environment coming from all the proposals that seem to want to change Anchor Point to an industrial area. Frankly, I am really discouraged about the mindset. We have a world class area of recreation known for fishing in the Anchor River and ocean and it seems we would sooner destroy it all for a few people to make financial gains. It goes counter to all groups trying their hardest through volunteer time to their own finances to preserve the river and ocean at Anchor

Point. These are not "tree huggers". They are people wanting to see the area preserved in a way that supports the beauty, wildlife and small businesses that are springing up in Anchor Point that cater to those using the area. The focus is not on gravel for everyone.

In closing, I would like to say there are other profitable things Mr. Trimble can do with that land. It takes getting creative sometimes but subdividing for small cabins or something else that fits in with the mindset when people think of Anchor Point. This would be best for EVERYONE! Gravel pits are a dime a dozen around our area. We do not need more gravel pits! Just take a look at google maps to see all the properties scoured into gravel pits along the Anchor River and other locations. We need the planning committee to understand there are lots of people living in Anchor Point trying to develop a beautiful area for this world class fishing area that draws people to the area including the winter months. I frequent the beach year round and find many others do as well. This is a beloved area and space for people around Ak including those who live out of state but especially those who in live in Anchor Point. Please do not allow this proposal to go forward.

Thank you,  
Lorri Davis

72640 Norwegian Woods Road  
P.O. Box 946  
Anchor Point, AK 99556

## Wall, Bruce

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**From:** Palmer, Charley (DEC) <charley.palmer@alaska.gov>  
**Sent:** Thursday, July 12, 2018 1:41 PM  
**To:** Wall, Bruce  
**Cc:** DEC.TWUA@alaska.gov; Forgue, Scott A (DEC); Forgue, Geraldine E (DEC)  
**Subject:** FW: KPB CLUP Material Site Application - Parcel 169-010-67  
**Attachments:** 169-010-67\_2018-07-06\_Notice.pdf; 169-010-67\_2018-07-03\_Staff\_report.pdf; 169-010-67\_2018-06-21\_Site\_Plan.pdf; 169-010-67\_2018-06-18\_Application.pdf; 169-010-67\_2018-06-21\_Contour\_Map.pdf; 169-010-67\_2018-06-21\_Land\_Use\_Map.pdf; 169-010-67\_2018-06-21\_Ownership\_Map.pdf; 169-010-67\_2018-06-21\_Aerial\_Map.pdf; DEC\_PWS\_Map.jpg; DEC-EH\_DW\_Recommendations for General Construction Projects\_June\_2016.pdf

Bruce,

Thank you for the opportunity to comment with respect to public water system (PWS) sources. Given the location(s) provided, work associated with this CLUP application is near an active registered PWS source (see attached "DEC\_PWS\_Map.JPG" and summary table below). For this reason, we ask that the applicant please adhere to the attached **Recommendations for General Construction Projects**, where applicable. Also, because this project is associated with a rock/gravel extraction project, we ask that the applicant adhere to the requirements and recommendations in the "[ADEC User's Manual: Best Management Practices for Gravel/Rock Aggregate Extraction Projects](#)" (Revised September 2012).

**PWSID:** [AK2249882](#)

**Water System Name:** DIV PARKS SLIDEHOLE

**Water System Type:** GW (Groundwater)

**Water System Classification:** NC (Transient, Non-Community water system)

**Water System Activity Status:** A (Active)

**State Assigned Source ID:** WL001

**Source Name:** WL DIV PARKS SLIDEHOLE

**Source Facility ID:** 35331

**Source Type:** WL (Well)

**Source Activity Status:** A (Active)

Regards,

--

Charley Palmer, *Hydrologist*

Alaska DEC Drinking Water Protection

907-269-0292







## Alaska DEC/Division of Environmental Health-Drinking Water Program

### Recommendations for General Construction Projects associated with, or near, a Public Water System (PWS)

1. Identify on a legible map the location of existing public water system (PWS) drinking water protection areas (DWPA) for PWS sources (e.g. springs, wells, or surface water intakes) that intersect the boundary of the proposed project/permit area. The DWPAs can be found using the interactive web map application, "*Alaska DEC Drinking Water Protection Areas*", located at <http://dec.alaska.gov/das/GIS/apps.htm>. Basic instructions for using this web map can be found at [http://dec.alaska.gov/eh/dw/DWP/protection\\_areas\\_map.html](http://dec.alaska.gov/eh/dw/DWP/protection_areas_map.html).
2. Where the project/permit intersects a PWS DWPA, notify the PWS contact. PWS contact information can be obtained using the online application, *Drinking Water Watch*, <http://dec.alaska.gov/DWW/>, by entering the appropriate 6-digit PWS ID (e.g. 220025).
3. Within the identified DWPA, control stormwater discharge.
4. Within the identified DWPA, restrict project/permit activities that could significantly change the natural surface water drainage or groundwater gradient.
5. All data related to the project/permit, including but not limited to, water quality results (field and lab), survey data, water levels, subsurface lithologic descriptions and depth, and groundwater flow direction and gradient information, should be made available to the permitting agency upon request.
  - a. When associated with the development, construction, modification, or operation of a PWS, all water quality sampling and hydrologic data collection should be accomplished under the supervision of a qualified professional and follow a written sampling plan approved by the permitting entity.
6. Limit the amount of equipment storage, maintenance and operation, and other potential sources of contamination, within the following DWPAs:
  - a. Zone A DWPA (several-months-time-of-travel for contributing groundwater, or 1,000-foot buffer of the contributing surface water body and its immediate tributaries);
  - b. Zone E DWPA (1,000-foot buffer of the contributing surface water body and its immediate tributaries for a source using groundwater under the direct influence of surface water (GWUDISW)); or
  - c. *Provisional* DWPA (1,000-foot radius around a PWS source).
7. Implement best management practices where equipment storage, maintenance and operation, or other potential sources of contamination are located within a PWS DWPA and that will minimize the potential for contamination to enter the water source used by a PWS.
8. Immediately notify the nearby PWS of any identified potential contamination, such as spills or excess erosion.

## Wall, Bruce

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**From:** Teresa Ann <tajg1234567@gmail.com>  
**Sent:** Thursday, July 12, 2018 11:22 PM  
**To:** Planning Dept,  
**Cc:** Wall, Bruce  
**Subject:** Gravel permit hearing Monday July 16,2018

Kenai Peninsula Borough Planning Commission  
144 N Binkley St Soldotna, Ak 99669

July 12, 2018

Greetings to the Planning Commission Members,

I am an Alaska resident of Anchor Point and a land owner. This letter is regarding the notice we received concerning a Conditional Land use Permit Application for sand, gravel and peat extraction on their beachfront property of 41.72 acres - proposed excavation is 25.6 acres over a 15 year period by Beachcomber LLC which is owned by Emmett and Mary Trimble of Coastal Realty Anchor Point.

The proposed area is located on Anchor Point Road right in the central recreation area of the Anchor River and the Anchor Point Beach area.

Public Hearing Monday July 16, 2018 7:30pm

***A gravel pit operation in this location would negatively impact our neighborhood, our community and the Anchor Point Recreation area. 15 years is a very long time to have a gravel pit operation in our residential area and in the Anchor River, Anchor Point Beach Recreational area!***

I would Hope the Commission members would drive to this area before even voting on the application and studying the surrounding map of the area.

In the KPB AK code of ordinances 21.29.040.

Standards for sand, gravel or material sites. A. These material site regulatins are intended to protect against aquifer disturbance, roade damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:1-6.

1. Protects against the lowering of water sources serving other properties.

Concerning #1

The one test hole that was dug on the North end of the property indicates the the groundwater is 18 feet but does not indicate which way the ground water is moving. The question needs to be proved -does the ground water re- charge the Anchor River?

Also will the gravel pit affect the nearby residential water wells?

On the map made by the McLane Consulting Engineering.....

# 5 of the Clup Development Notes states.....

Wells within 100' and/or 300' of the excavation area are shown hereon

Excavation below the water table may be proposed at a future time.

Ground water is indicated at 18 ft and proposed excavation is 10 ft deep.

2. Protects against physical damage to other properties

Concerning #2

Lowering the area's properties value seems to me to be "physical damage".

3. Minimizes off-site movement of dust

Concerning #3

The dust will be on a gravel site and the winds in the area will be blowing dust into residents homes, campsites, rv parks.

4. Minimizes noise disturbance to other properties

Concerning #4

I am a year round resident living up the hill from this proposed gravel pit area.

The neighbor hood around the proposed gravel pit is a very quiet area where we can hear the eagles and seagulls even the ocean surf at times carries up the hill.

The Alaska State Halibut Campground is within hearing distance of where the equipment will be operating.

5. Minimizes visual impacts

Concerning #5

Many residents live above this proposed area so we all will be "visually affected".

There are many homes above this property that look out over this area towards the inlet view. A 6ft berm will not be able to cover the gravel pit from the hillside and hill top residents. The gravel pit area is surrounded immediately by residents and an RV park on the North side.

Further impact is the State Parks on the Anchor Point Road which is the only route for the trucks to haul the sand, gravel, and peat from this proposed gravel site. Campers and visitors to the Anchor River and Anchor Point Beach walk this road with their families and children walk and bike along the Anchor Point road back and forth to the beach area very close by.

6. Provides for alternate post-mining land uses

Concerning #6

Alternate land uses were not listed.

According to the Material Site Permitting .....Culp.....Conditional Land use permits are valid for only 5 years. This permit is requested for 15 years.

I want to state again:

***A gravel pit operation in this location would negatively impact our neighborhood, our community and the Anchor Point Recreation area.***

**I sincerely Hope that you as members will not allow this gravel pit permit application.**

**Thank you kindly for reading and listening to our concerns for our community.**

Teresa Ann Jacobson Gregory  
PO Box 904  
Anchor Point, Alaska 99556  
907-399-0063

I am adding pictures of the area.....the highlighted area is the property proposed for the gravel pit. As you can see the Anchor River and the State recreation areas are very close.

In the second picture you can see all the residential lots in the area where our homes are .....these are on a hill above the proposed gravel pit.

The bottom picture shows they have already begun to remove gravel.











## Wall, Bruce

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**From:** shirley gruber <shirleytdx@yahoo.com>  
**Sent:** Thursday, July 12, 2018 5:26 PM  
**To:** Wall, Bruce  
**Subject:** KPB CLUP Material site App AKA Beachcomber LLC GRAVEL PIT

Dear Mr. Bruce Wall

Bruce ,

Thank you for fielding and organizing all the public comments in the permitting process, for Beachcomber LLC gravel pit request. It is not an easy job, in my mind.

Therefore, I too appreciate the chance to submit my (our) concerns with regards to the material extraction...IE: Gravel pit. I see staff recommendation is to approve this permit, it appears to be a boiler plate request, but I ask you to reconsider that assessment for the following reasons.

I am aware of section 21.29.040 and .050 list regulations meant to protect the surrounding areas.

So Resolution 2018-23 Section 1 of Finding the Facts

Paragraph 10 item D states water is below 20 Ft, with intention to dig to only 18'

- Permit requester advocates he can dig down 40' for all the gravel he wants. The borough never checks. Thus my concern is to have water holes for swimming, or teenage hang outs bringing increased crime to the area.

Paragraph 10 item E, does not allow the removal of said water.

- Thus in a round about way the Borough has approved these potential water pits. Yes pumping it would bring habitat issues that would allow contaminated water to end up directly into the neighboring property and the Anchor River itself. Thus I also disagree with Nancy Carver that there is no habitat concerns, the loss of gravel will no longer cleanse the ground water that runs to and into the Anchor River, thus this brings us to damages.

Paragraph 11, Other property damage.

- Damage comes in two ways, physical and financial, it has been noted that the connecting property values will decline, while that gravel pit's value will have increased.

➤ Will the loss of tax revenue from the existing home/property owners be offset by the increase tax revenue from this pit? In this case it is likely that even the Borough will have some damages (monetary) if approving this permit.

➤ There is a complete buffer now in one section next to Beachcomber street and a new camp ground. To tear down those trees only to replace it with a berm for visual buffer, will cause revenue damage since a treed back drop is one reason campers stay there.

#### Paragraph 12, Dust control:

- As noted in the permit, Danver Road is the haul out road, Danver road is gravel road so calcium chlorides or water would be sufficient, HOWEVER this borough road is not the only haul out road to be used. Danver Road is a dead end road. In order to reach the Sterling Highway, trucks must travel the Anchor Point Beach access road. This is a paved 2 lane no shoulder road. Calcium Chloride does not work on pavement and to continually wet this road would only create a muddy and slippery surface for the other road users. And this does not address the Anchor River Bridge, which cannot support the load.

#### Paragraph 13 and 14 Minimizing noise and visual impacts

- Other Road users will be extremely impacted with both noise, sights and added dangers from the haul trucks. The Anchor Point Road (beach access road) is a road that is loved to death. It is a highly used road, kids, bikes boats, pets, tourists, 4<sup>th</sup> of July parades, but not eligible for much financial or DOT support. Heavy commercial use on this already loved to death road will meet its end or someone on it will.
- It is the only way in and out for the families from their home and for beach goers that utilize the boat launch plus there are 5 Camp grounds on this road. And if anything bad happens, no evacuation could occur and no emergency vehicles could get in. There needs to be an alternate route to take out the gravel.
- The vegetation berms, are good, but only if you live at the flat ground level, any one who has a home that looks to the ocean also will have to watch equipment, rock crusher, gravel shaker, the full blown commercial operation.

For these reasons I don't think it passes the grade of the Code,-but each has there own interpretation, do I think it could pass, yes with a bit of fine tuning, versus a standard boiler plate permit version, as it appears now.

Lastly, yes everyone is of the nature that "not in my back yard", so it is easy to protest and complain, but hard to have a solution. Progress comes with a price, and heck who does not have a gravel drive, or pad on their lot, **I simply ask** that the commission post pone the approval until an alternate route can be established. And some of the concerns listed be fined tuned to allow the permitting, Currently there is another gravel pit on the docket, so getting gravel should not be a hardship, and if the Borough needed a reason to finish Danver Road to the south, well that time is now.

Respectfully

Shirley Gruber

73510 Twin Peaks Loop

Anchor Point.



**Wall, Bruce**

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**From:** Coowe Walker <cmwalker9@alaska.edu>  
**Sent:** Thursday, July 12, 2018 11:13 AM  
**To:** Wall, Bruce  
**Cc:** Bob Shavelson; Lynn Whitmore; Sue Mauger; Blackwell, Jack D (DNR); Steven Baird; Jacob Argueta Jacobs  
**Subject:** groundwater flow paths south of the Anchor River estuary  
**Attachments:** AnchorEstuaryFlowpaths.jpg

Good morning.

I am attaching an image showing groundwater flowpaths associated with the Beachcomber gravel site and the Anchor River. Parcels owned by Beachcomber LLC are outlined in blue, the Anchor River watershed is outlined in yellow, and groundwater flowpaths supporting the river are shown in purple. It will be very important to not disrupt the flowpaths and keep all potential gravel operations out of the Anchor River watershed, meaning no operations north or east of the yellow line.

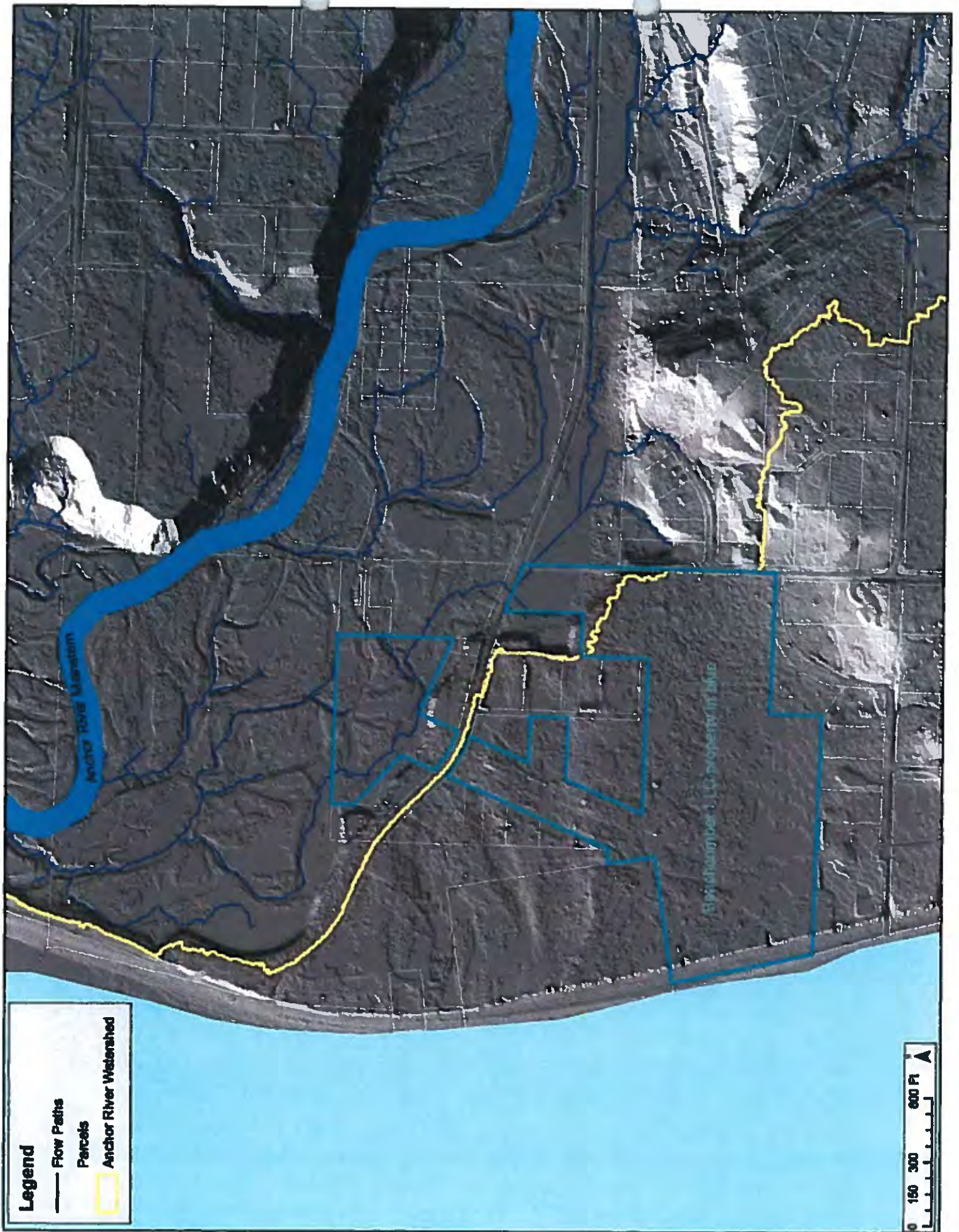
Please let me know if you have any questions, or would like more information.

Coowe

Coowe Walker  
Reserve Manager  
Program Watershed Ecologist  
2181 Kachemak Drive  
Homer, Alaska  
(907) 235-4792



Kachemak Bay National Estuarine Research Reserve  
Alaska Center for Conservation Science  
UNIVERSITY of ALASKA ANCHORAGE



**Legend**

- Flow Paths
- Parcels
- Anchor River Watershed



To: Kenai Borough Planning Commission Chairman  
From: Linda and Mike Patrick  
34897 Fisher Ct.  
Anchor Point, Ak.  
Phone: 907-299-2165  
Subject: Beachcomber LLC proposed surface mining project

We object to the development of the site on the following grounds:

1. At a public meeting in Anchor Point(July 11, 2018), the Owner of the said Beachcomber LLC. , did not demonstrate much knowledge of the water sources in this area. Water sources are complex, full of wells at different depths and underground springs flowing towards the inlet. In my opinion, this site requires a lot more scrutiny than some other possible inland sites. I cannot prove it will interfere with water supplies, nor can Beachcomber LLC prove that it won't. \* Should we not do more than drill one hole in the ground to determine the water ecology in this area due to the close proximity to residential area, Cook Inlet, and the Anchor River.
2. How does this plan protect against damage to other properties? For example, 50,000 cubic yards of material, equates to approximately 5,000 truck loads at about 52,000 pounds each, will this not damage Danver/River Road intersection, River Road itself (which is already falling apart), and a very fragile bridge over the Anchor Point river. This pathway is not only essential to Anchor Point residents, tourists from all over the world, charter businesses, campers in the State Park, and the safety of all who use the narrow road for access to their homes, State Parks, Cook Inlet, and the farthest westerly point on the United States highway system.
3. What is the plan to minimize off-site movement of dust? Regular residential traffic on Danver Rd. stirs up dust. I cannot imagine the amount of dust that will be generated by 1000's of dump trucks, gravel processors, excavating machinery, and gravel loaders. This area is subject to a sea breeze and a land breeze cycle. Sea breezes blow the dust towards residential areas and

land breezes directs dust towards beach habitat where eagles, gulls, shore birds, and marine mammals frequent, not to mention birders and other beachcombers roam. These breezes are substantial. Exactly how is the dust going to be abated and who will monitor this? Will the dust have an effect on human inhabitants near the site? Will dust affect the salmon/trout that swim nearby to enter the river and leave the river? Will dust enter the river itself and effect the reproduction of said fish? Will the dust impact plants, birds, moose, and domestic animals. Will the quality of water in Danver Lake directly across the street from the proposed site be impacted? Will the water level in that lake be impacted? Will lakes be created similar to Danver Lake during land reclamation by Beachcomber LLC. Do these lakes serve as expanded breeding grounds for mosquitoes?

4. Noise pollution abatement plan?

Land structure around the Anchor Point area in question is like an amphitheater, I can hear dogs barking on the bluffs across the river, a rooster crow just down the hill, neighbors talking on their porches, and the surf falling on the beach. I can't imagine how loud the noise would be from a gravel mine a few hundred yards away. How pleasant will it be for people to camp at the state campground with dump trucks roaring by, dust permeating the air from the operating pit and dust blowing off the trucks themselves. And yes, there is a private RV park adjacent to the proposed gravel mine. Several residences are nearby and elevated above the site, 18 foot berms (permit indicated 6ft berms) would not impact sound transmission to elevated residences. My house is about 200 yards away and approximately 80 feet above the tract of land in question. Over the past 26 years I have witnessed over 2 dozen moose born on or adjacent to my property. Will this level of noise impact the moose population in the Anchor Point area?

5. Visual impact? What is the plan to spare the several homes that overlook this area from a higher elevation from an unobstructed view of the pit?
6. Property values? The owner of Beachcomber LLC, a real estate agent, stated this permit would improve the value of his land and in response to another question, he said it could decrease the

value of the surrounding view properties. There were approximately 50 people there at the meeting at the VFW in Anchor Point on the 11<sup>th</sup> of July. Very few of them were happy.

**\*\*\*\* This permit should not be issued for this area because of a lack of healthy infrastructure to support it. It will create an safety hazard to all that travel the River Road and Danver Road. It will impact living organisms (humans, plants, animals) in a negative way with its noise and dust. Keep in mind that this will impact thousands of people who visit this area during the summer. And, it will destroy the property of the Alaskan people in the form of the state maintained road and bridge at a time when the state is in financial turmoil and cannot afford to fix this infrastructure.**



July 12, 2013

Planning Commission Chairman  
144 N. Binkley St.  
Soldotna, Alaska 99669

RE: Addendum to our written Testimony dated July 9, 2018, Regarding Beachcomber LLC's Application for a Permit for Sand, Gravel, and Peat Extraction on A Portion of Parcel Number 169-010-67, Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104), Location: 74185 Anchor Point Road

Dear Planning Commission:

We attended a meeting last night with Emmitt Trimble at the Anchor Point VFS, who we found out was owner of the land, and Beachcomber LLC's. At the meeting he said, that he had not had anyone come to him about his plan for the above Gravel Pit. He also mentioned he had given his mineral rights over to some (he was not specific on who) oil and gas company, and he only planned to do a small amount of extraction at this time and as neighborhood persons attending this meeting, we should trust him. When asked why he was then asking for these permits covering the whole area, he said he was asking for this permit as there were suppose to be a changes to Kenai Peninsula Borough more stringent regulations sometime in September for Gravel Pits. He wanted to get the permits to cover so he'd have the permit before any new requirements were made.

At the meeting we were told the Planning Board made your determination as to if a party could get these permits was by satisfying the current Regulations: "21.29.040. - Standards for sand, gravel or material sites."

A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:

1. Protects against the lowering of water sources serving other properties: (if an oil and gas company took this property area, this might be a factor, which Mr. Emmitt has the right to sell it to.) Plus, the wetland areas, water birds, etc. would be affected by this. Water is like "gold" here to make it drinkable.

2. Protects against physical damage to other properties; our way of exit from Anchor point is from Danver and the State Road, Anchor Point Road, and the Borough Roads, of the old Sterling Highway. (The problems of the roads and physical damage is covered in our original message Under **Public Safety**. We know you aren't interested in hearing about the State road; however, Danver is very important to us. Actually, our road Seabury Court is more a trail then a road in the borough.

3. Minimize the off-date movement of dust: that is pretty hard to do and would require a lot more water, etc. to do this. We lived in an apartment near a gravel area with trucks moving a lot, and the extra dust in the house is tremendous even with care. This can cause more upper respiratory conditions.

4. Minimizes noise disturbance to other properties. In our original written testimony we address that under **General Comments, and Environmental Impact Statement**. The proposed gravel pit site is centered in a large bowl enclosed by 50 to 100 foot hill sides on two sides and most of a 3rd side on the South side. We can hear loud noises in the Park area throughout the summer so we know a large gravel operation to include a major rock crushing operation will disturb us. Heavy trucks that now infrequently use the Anchor River Road and Danver Ave. create noise levels that already create a disturbance. The increased use of heavy trucks and a rock crusher will make our peace and quiet a thing of the past. When asked, if the development of a gravel pit where it is proposed will lower all the homeowner property values at a meeting with him last night, he admitted that all our property values will be lowered due to such activity. The application proposes to operate the gravel pit from 6:00 a.m. to 10:00 p.m.

July 12, 2013

This is unacceptable to us as a private property owners. The idea that a 50 foot buffer on some of the sides of the project is ludicrous. We already know how periodic noise from heavy duty trucks and road graders negatively effect our enjoyment of our property. And thats before the applicant has even removed more trees and natural habitat in the proposed gravel pit area. What are we to do when the applicant himself admits that a gravel pit where he proposes to place it will lower all our property values? It seems this regulation is the only one that has any hope of protecting us from the noise pollution the gravel pit will create.

5. Minimizes visual impacts..even a 12 foot berm is not something to eliminate or minimize the visual impact. (Our testimony on Property Value and General Comments talks to that.)

6. Provides for alternate post-mining land uses. Selling the area to an Oil and Gas Company or another big Gravel Pit company could be done, etc. The permitting doesn't talk to that.

Sincerely,

Gary L. Sheridan  
Eileen D. Sheridan  
P.O. Box 661  
Anchor Point, Ak 99556-0661

1-907-235-5542  
CC: Bruce Wall, AICP. [bwall@kpb.us](mailto:bwall@kpb.us)

**Wall, Bruce**

---

**From:** Tom Alexander <pmedic1568@yahoo.com>  
**Sent:** Friday, July 13, 2018 4:59 PM  
**To:** Wall, Bruce  
**Subject:** Opposition to Denver Gravel Pit Project

Dear Sir,

This letter constitutes my wife and I's objection to the placement of a gravel pit at the southwest corner of the intersection of Denver Road and Anchor Point Beach Road. We are property owners and taxpayers at 73734 Seaward Avenue, Anchor Point, Alaska 99665. In our opinion, Beachcomber, LLC has not shown, and has no intention of showing any good faith as a responsible gravel pit owner/operator at this location. The myriad concerns brought up during a recent public meeting at the Anchor Point VFW were met with very negative remarks by Beachcomber, LLC, and with no attempts at offering any solutions to any of the concerns. Our wish would be that Beachcomber, LLC NOT be granted a permit to continue with this venture. Thank you in this matter.

Sincerely,

Tom and Patty Alexander

## Wall, Bruce

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**From:** Joseph Allred <hungryegret@outlook.com>  
**Sent:** Friday, July 13, 2018 6:32 PM  
**To:** Wall, Bruce  
**Subject:** Tremble gravel pit.

I hope that the borough will look at this

Project critically.. while I understand the value and necessity of gravel in our lives, I also understand the not so obvious value. There is an estuary just north, homes all around. And in summer, Anchor points economic engine. All at ground zero. Water migrates thru the whole area, (into the estuary/river) as a purifying system, its value inestimable.

Also there will be an economic Loss to all who own real estate in the area. Thanks for your careful consideration.

Safety and The condition of the roads must be

Factored in as well. Thanks.

Get [Outlook for Android](#)

REEVES AMODIO LLC  
ATTORNEYS AT LAW



*Direct Phone*  
(907) 222.7107

*Direct Facsimile*  
(907) 222.7199

*E-Mail*  
rob@reevesamodio.ca

July 13, 2018

Blair Martin  
Chairman  
Kenai Peninsula Borough Planning Commission  
144 N. Binkley Street  
Soldotna, AK 99669

Re: Conditional Use Permit application for a Material Site by Beachcomber, LLC, at Parcel Number 169-010-67

Dear Mr. Martin:

Reeves Amodio, LLC, submits comments on a Conditional Use Permit application for a Material Site by Beachcomber, LLC, at Parcel Number 169-010-67, on behalf of Robert Baker II as Trustee for the R O Baker II Revocable Trust ("Baker"). Baker owns Parcel Number 169-230-19, at 74160 Seaward Avenue, Anchor Point, AK 99556 ("Baker Parcel"). The Baker Parcel is one of six residential properties bordering Parcel Number 169-010-67, 74185 Anchor Point Road, Anchor Point, AK 99556 ("Beachcomber Parcel") to the south. Beachcomber LLC ("Beachcomber") owns the Beachcomber Parcel.

Baker opposes Beachcomber's application for a Conditional Use Permit for a gravel pit on the Beachcomber Parcel ("Application").

1. A gravel pit at this location cannot be adequately regulated to protect the environment.

The Beachcomber Parcel is bounded to the west by a Cook Inlet beach where eagles regularly feed, seals and sea otters rest and swim, Boy Scouts camp, and local homeowners regularly picnic. To the north is a large undeveloped Bureau of Land Management Parcel (which itself backs up to the Anchor River State Recreation Area), and immediately across the Anchor Point Road is a world-class estuary for the Anchor River itself, which supports three anadromous salmon (king, silver, and pink salmon) plus Dolly Varden and steelhead trout.

Dewatering and drainage will impact groundwater flowing downgradient from the pit and into the Anchor River. The current Application proposes to provide a 2' vertical buffer to groundwater, half of the 4' vertical separation between extraction operations and

500 L  
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99501

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(907) 222-7199  
*Website*  
www.reevesamodio.com



the seasonal high water table<sup>1</sup> recommended by the Alaska Department of Environmental Conservation (ADEC). Increasing the risk to groundwater even further, the Application also states that Beachcomber intends to modify the permit and enter the water table in the future. This seems likely to mean that Beachcomber will be dewatering the pit, altering groundwater flow. Fish are sensitive to such alterations, including both dewatering and flooding activities.<sup>2</sup>

Beachcomber's application is misleading regarding depth to groundwater. Beachcomber drilled its well at essentially the highest point in the parcel,<sup>3</sup> adjacent to the lowest point in the parcel.<sup>4</sup> We believe that sampling at this location, due to the extreme differential from the embankment, provides insufficient data to accurately measure depth to groundwater. In fact, we question whether groundwater is at a 20' depth. Considering that most of the property is at around 40' in elevation, with the highest portion to the southeast, the groundwater is likely to be encountered at much shallower depths throughout most of Beachcomber's property.

Coastal erosion is also factor. Development of this gravel pit adjacent to the beach will exacerbate erosion. Kenai Peninsula Borough (KPB or Borough) records show that the adjacent beach is eroding at a rate of between 0.5-0.9 feet per year. Although Beachcomber is suggesting a buffer of at least 50' to the beach, over the development's lifespan that buffer is estimated to be cut down by up to 13.5'. Climate change and rising sea levels will only exacerbate this erosion. Water is likely to eventually spill into the pit and erode into other adjacent properties.

The Beachcomber Parcel itself holds numerous nesting sites, and our client observed one or more eagle nests. The noise from equipment, traffic, and the crusher, which is likely to exceed 90 dB(A),<sup>5</sup> the equivalent of operating a lawnmower or a motorcycle,<sup>6</sup> will harass wildlife and drive it away. Developing a gravel pit at this site will also destroy the high habitat values of the parcel.<sup>7</sup> Fugitive dust also will be driven by wind from the gravel pit into the estuary, potentially adversely affecting water quality in the Anchor River. Calcium chloride and water will be used to reduce dust generated by trucks and mining operations within the pit, but it cannot be used in winter. Furthermore, calcium chloride will do nothing to address dust generated by operating

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<sup>1</sup> SHANNON & WILSON, INC., ALASKA DEP'T OF ENVTL. CONS., BEST MANAGEMENT PRACTICES FOR GRAVEL/ROCK AGGREGATE EXTRACTION PROJECTS 12 (2012) (hereinafter "ADEC USER MANUAL").

<sup>2</sup> LA ROCHE + ASSOCIATES & KENAI PEN. BOROUGH COASTAL MGMT. PROGRAM STAFF, KENAI PENINSULA BOROUGH COASTAL ZONE MANAGEMENT PLAN 119 (2008) (hereinafter "CZMP").

<sup>3</sup> Excepting an outlier peak in the southeast corner, which is a component of the larger substantial uphill grade to the southeast.

<sup>4</sup> Excepting the beach itself, below the 30' bluff.

<sup>5</sup> E. R. BAUER & E. R. SPENCER, SNAPSHOT OF NOISE AND WORKER EXPOSURES IN SAND AND GRAVEL OPERATIONS 1 (2018), available at <http://www.vyccares.ca/wp-content/uploads/2018/01/sonaw.pdf> (last accessed July 13, 2018).

<sup>6</sup> IAC ACOUSTICS, SOUND SEAL INC., COMPARATIVE EXAMPLES OF NOISE LEVELS 1 (2018), at <http://www.industrialnoisecontrol.com/comparative-noise-examples.htm> (last accessed July 13, 2018).

<sup>7</sup> While clearing the trees will also destroy habitat, even a residential development will destroy significantly less habitat, and will ultimately provide continued space for wildlife corridors.

equipment such as the crusher and/or aggregate separator. The Coastal Zone Management Plan adopted by the Borough as a planning document states that, in siting facilities and development activities, the KPB should “[s]ite developments away from highly sensitive wildlife habitats and use area including . . . waterfowl and shorebird nesting, molting, and staging areas; . . . [and] marine mammal haul-outs . . . .”<sup>8</sup>

2. A gravel pit at this location will undermine recreational values.

As earlier discussed, noise and habitat destruction could drive wildlife away not only from the Beachcomber Parcel, but also from adjacent federal and state lands, including the Anchor River State Recreation Area. Anchor Point’s economy is significantly influenced by seasonal recreation, in the summer, when construction activities and the gravel pit’s operations will be heaviest. Anglers fishing on the Anchor River only 1500’ away will be negatively affected by equipment noise and fugitive dust. Similarly, campers in the Anchor River State Recreation Area campgrounds, as close as 750’ away, will be affected. With wildlife being pushed away, the opportunities to observe and photograph birds and marine mammals will also be gone.

The Anchor Point Road is the public access to the Anchor River State Recreation Area and the tractor launch permitted by Alaska State Parks. This road is extremely narrow and not designed to withstand the regular use from heavy dump trucks.<sup>9</sup> Nonetheless, Beachcomber proposes to use the Anchor River Road, adding its dump trucks to the existing car, boat and motor home traffic. It is easy to foresee incidents between local residents or tourists with trucks. There is no shoulder on this road, and it is bordered by ditches. There is a legitimate safety concern.

3. A gravel pit at this location will destroy the residential character of the neighborhood.

Beachcomber is proposing to place a 27.7-acre industrial site in the center of a residential neighborhood. KPB records show 13 “residential” classified parcels either bordering the Beachcomber Parcel or very near to it. Without including the dozen or so parcels classified as “undeveloped” and likely destined to have houses, there are approximately 40 “residential” parcels within 1500’ of Beachcomber’s proposed pit.

There are wetlands in the parcel’s extreme northeast corner. Beachcomber’s only access route will be down Denver Street (which presently serves only residences), onto the Anchor River Road and to the Old Sterling Highway. Denver Street does not satisfy ADEC’s best management practices for access to material extraction sites because it is not a dedicated haul road and it is too narrow.<sup>10</sup> Further, there are well over 100 residences that depend on the Anchor River Road for access. Each of those home owners and their families will be forced to compete with heavy dump trucks in trips to and from their homes, in addition to the summer seasonal traffic. Although the

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<sup>8</sup> CZMP, *supra* n.2, at 114.

<sup>9</sup> The road suffers significantly just from the existing traffic; even after being paved, the increased seasonal recreational traffic with the tractor launch’s opening, combined with the lack of quality underlayment, causes substantial cracks, ruts, and dips in the road even today.

<sup>10</sup> ADEC USER MANUAL, *supra* n.1 at 46.

Anchor River Road is maintained by the State, Danver Street is maintained by the Borough. The Borough will see increased road maintenance costs.

Beachcomber proposes only 6' high berms as a buffer for the adjacent residential parcels. This berm will do very little to impede noise into those homes, especially since most were built above grade with crawlspaces because of the high-water tables in the area. A house built on a 3' crawlspace places the top of the berm at a homeowner's waist height. Noise will travel directly to and through windows and doors, even on a first floor. As noted above, noise will exceed 90 dB(A). The windows on the second floors will provide a clear views of Beachcomber's industrial activities; namely, the rock crusher.

A berm will do nothing to prevent children from crossing into the industrial area. It will be an attractive nuisance. Children could play in or on the equipment, creating a public safety hazard. The Beachcomber Parcel is less than a mile from Chapman Elementary School, and children ride bicycles and ATVs to/from the school (as a play area when it is closed) and to and from the Anchor Point beach. Children using the school playground could also be affected by fugitive dust, and, perhaps more significantly, the learning environment will be disturbed by noise from the gravel pit's operation.

Recent testimony before the Materials Site Working Group documented how winds carry gravel fugitive dust from pits onto adjacent residences. One commenter in particular described how in the winter, extreme winds effectively sandblast his home, vehicles, etc. Given the proximity to Cook Inlet and the Anchor River flats, which is located within a HUD wind classification Zone III,<sup>11</sup> even a generous application of water or calcium chloride will not stop a 110 mph wind from blasting dust throughout the area.

A person's home is his family's largest financial investment. During recent testimony before the Material Site Working Group, the Borough Assessor stated that although a gravel pit nearby does not automatically reduce an assessment, any comparable sales that show a reduction in home value based on the gravel pit will cause the assessor to reduce assessments for all homes near the operation. Families do not want to live next to an industrial operation, particularly one that runs nearly continuously during the summer. Residents along Danver Street can expect their property appraisals (and assessments) to fall by approximately 36%<sup>12</sup> if the Planning Commission approves the Application.

While Baker recognizes Beachcomber's right to develop its property, he reasonably did not expect a 27.7-acre industrial facility adjacent to his backyard and within his view shed. Based on the development patterns off Danver Street, he reasonably expected low-density rural residential and/or recreational property development for the Beachcomber Parcel. This would

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<sup>11</sup> FEDERAL EMERGENCY MANAGEMENT AGENCY, WIND ZONE COMPARISONS G-3 (2013), available at [https://www.fema.gov/media-library-data/20130726-1501-20490-5921/fema\\_p85\\_apndx\\_g.pdf](https://www.fema.gov/media-library-data/20130726-1501-20490-5921/fema_p85_apndx_g.pdf) (last accessed July 13, 2018).

<sup>12</sup> See DIANE HITE, SUMMARY ANALYSIS: IMPACT OF OPERATIONAL GRAVEL PIT ON HOUSE VALUES, DELAWARE COUNTY, OHIO 2 (2006).

bring more neighbors, more back yards and houses. Under no circumstances is it reasonable to replace those houses with a large industrial complex.

Fundamentally, gravel pits are not pretty. While the 50' buffer the staff recommends may alleviate some of the impacts to the east, it does nothing for Baker and others on the Seaward Avenue parcels to the south. Even the proposed 12' high berm, with no buffer, will not mitigate fugitive dust or muffle sound in second story bedrooms. If it issues a permit, the Planning Commission should require both a 12' high berm and a 50' vegetated buffer around the entire Beachcomber Parcel as a permit condition under its authority in KPB 21.29.050(A)(2)(c).

The staff recommends prohibiting operation of rock crushing equipment between 10:00 p.m. and 6:00 a.m. This condition does not help residents who work nights. Baker, for example, travels to and from his work assignments at odd hours. Furthermore, the noise and dust from a rock crusher operating between 3:00 p.m. to 5:00 p.m. will interfere with after-school activities, including play and homework. Noise and dust from 5:00 p.m. to 10:00 p.m. interferes with families' evening activities (reading, watching television, or conversing with family over dinner). Certainly, 90 dB(A) of noise eliminates the possibility of enjoying any outdoors time in the backyard.

4. Anchor Point does not need an additional gravel pit.

As the Planning Commission is certainly aware, gravel pit development is rampant, and permitting such pits has been a hotly contested issue in the Anchor Point community in the past. KPB records show at least 50 parcels in the area that either qualify as a Prior Existing Use pit or have a Conditional Land Use Permit to operate a gravel pit. While the availability of low cost gravel and a few jobs in the materials industry could be important for a small community, Anchor Point is flush with gravel sites. Many of these pits are in more rural areas. There is no need to authorize a new gravel pit in a residential and recreational area close to Anchor Point's downtown core. There is much gravel already available locally.

5. The Application should be denied until the Kenai Peninsula Borough implements recommendations from the Material Site Work Group.

Earlier this year, the KPB adopted Resolution 2018-004, establishing a Material Site Work Group. The resolution discusses the fact that the last code update took place over 12 years ago and that members of the public expressed many concerns "about dust, noise, water, and negative secondary impacts of material sites." The KPB Assembly's stated intent was to collaborate with the public and industry to discuss changes to the material site code. Numerous homeowners living near existing gravel pits voiced concerns regarding their individual experiences with ruined water, flooding, noise (both from crushers and hauling), and dust. Although the Material Site Work Group took public testimony and considered reclamation, buffers, noise, dust, roads, public safety, and quality of life for home owners, it took no action and adjourned for the summer of 2018 *at industry request* due to the construction season.

Beachcomber wishes to avoid the public concerns being addressed by seeking authorization *while* the changes are being addressed. The Planning Commission should not allow

July 13, 2018

Page 6

Beachcomber to use industry's requested delay to avoid community concerns. Rather than grant the application, the Planning Commission should deny or stay the application and process it only after the Material Site Work Group's recommendations are considered and acted upon by the KPB Assembly.

If the Planning Commission is unwilling to deny or stay the Application, it should only approve Beachcomber's Phase I development: the 6.2-acre area in the northeast. At Beachcomber's proposed cumulative acreage disturbance plan over 15-year life, it would take 3.3 years to develop Phase I. This would give the Material Site Working Group and the KPB enough time to develop and implement a comprehensive regulatory scheme that addresses homeowner concerns.

#### CONCLUSION

For the foregoing reasons, Baker urges the Planning Commission to deny the permit. If it issues any permit, even for the limited Phase I development, the commission should require additional conditions to restrict operational times and require Beachcomber to provide a 50' or greater vegetated buffer along the southern border along with the 12' high berms.

Sincerely,

REEVES AMODIO LLC



Robert W. Corbisier

Counsel for Robert Baker, II, as Trustee

Cc: Cook Inlet Keeper  
3734 Ben Walters Lane  
Homer, AK 99603

R123



13 July 2018

Kenai Peninsula Planning Commission  
144 Binkley Street  
Soldotna, AK 99669

To Whom It May Concern:

Thank you for the opportunity to comment on the purposed conditional land use permit for parcel 169-010-67 (applicant Beachcomber LLC).

I am the current owner of Sleepy Bear Cabins LLC located at 34053 North Fork Road, Anchor Point, AK 99556. I have the following concerns and proposals:

1. **Issue - Negative impact to the Anchor River State Recreational Area:** The Anchor Point Community and its businesses rely heavily on the recreation area. Whether directly or indirectly the residents and businesses will be negatively impacted by the noise pollution and industrial traffic the location of this gravel pit will cause. The recreational area is financially vital to the Anchor Point tourism industry. My business as well as others rely on the tourist activity that the park brings for the river, boat launch, and beach. The additional noise of the heavy equipment coming from the gravel pit will disrupt the visitors and park guests. This will drive down the number of tourists wishing to visit the recreational area and therefore Anchor Point, which will financially impact and potentially devastate our local businesses and economy.
2. **Issue - Condition of and safety issue with the Anchor Point Road:** Due to its current condition, the Anchor Point Road is currently not equipped to handle the additional industrial trucks and heavy equipment. The road does not have adequate shoulders or any sidewalks / bike paths for pedestrians and bicyclists. There is great potential not only for the road to be devastated and therefore access to the recreational area to be heavily impacted, but also an increase for accident and injury.

**Proposals:**

1. **Postpose a decision on this permit:** Allow more time for the Planning Commission as well as residents to further investigate and understand the overall impact to residential property, the Anchor Point Road, the state recreation area, and the Anchor Point community as a whole, and better determine additional requirement that must be met in order for the permit to be issued. the location of the property is unique and therefore poses unique issues. The application appears to abide by the regulations currently in place. However, the current regulations do not take into account the uniqueness of the surrounding properties and recreation area.
2. **If the permit is approved the following additional requirements should be considered:**
  - a. Larger vegetation buffer: The minimum buffer should be more than 50 feet
  - b. All berms should be 12 feet
  - c. The entire property should be required to have vegetation buffers and 12-foot berms (with the exception of the access point to the property)
  - d. The minimum distance from waterbodies should be more than 100 feet and digging below the water table should not be permitted

- e. The applicant should voluntarily restrict operation days and hours to include digging, processing, and hauling as to not impede the quality of life for residents and recreational area visitors (i.e. operating hours 9am-6pm, no operation on weekends, etc.)
- f. Improvements to Anchor Point road should be done to correct the before mentioned issues prior to the permit being approved. A maintenance / repair provision on the part of the applicant should be in place as well

When I moved back home to Alaska four years ago and chose Anchor Point as my new permanent home, I did so to live back in a rural community where nature and the wild of Alaska are out my front door. I am not one to impede another's ability to prosper and do as they wish with their land. However, I do find I am put in a position to speak up when it impedes myself and others from doing the same.

As a community we need to find ways to work together to resolve conflicts of interest to ensure harmony with our neighbors. What is best for one may not be what is best for the majority or the community. Open communication and cooperation are needed to ensure a healthy community. Like myself, I don't believe the majority here wish to live, work, and play in an industrial area.

Thank you for taking the time to read and carefully / thoughtfully consider my comments and proposals.

Sincerely,

Teresa Cosman  
Sleepy Bear Cabins LLC  
907-235-5625  
Sleepybear@alaska.net

## Wall, Bruce

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**From:** David Driggers <david.driggers@gmail.com>  
**Sent:** Friday, July 13, 2018 8:51 PM  
**To:** Planning Dept.; Wall, Bruce  
**Cc:** Pierce, Charlie; Representative.Paul.Seaton@akleg.gov  
**Subject:** Beachcomber LLC Gravel Pit Anchor Point

Dear Mr. Wall,

I am writing to provide public comment on the proposed material site permit on parcel 169-010-67. As the owner of property adjacent to the proposed material site, I was disappointed that I did not receive a mailed notice from the borough. I did however attend a locally organized public meeting at the VFW at which there was nearly universal opposition to proposed material site.

My primary concerns for the permit are based around safety along Anchor Point Road. As you know, the proposed material site is in the middle of the Anchor River State Recreation Area which is heavily used during the summer months. The community has already met with Representative Seaton, Assemblyman Dunne, Mayor Pierce, and various representatives from the State of Alaska to address the safety issues along Anchor Point Road. We have heavy pedestrian and vehicle traffic on the shoulder-less Anchor Point Road during the summer months, and adding heavy traffic to the road in the form of dump trucks will just exacerbate an already dangerous situation. I have had to move off the road very quickly to avoid being hit multiple times already this year. Adding even more heavy traffic with drivers who are motivated to make quick runs is a recipe for disaster.

This is especially concerning as we've already met with representatives at all levels of the government, and explained our concerns. We have made this concern public via meetings and the press:

[http://www.homertribune.com/article/1728anchor\\_point\\_petitions\\_for\\_state\\_help](http://www.homertribune.com/article/1728anchor_point_petitions_for_state_help)

I also thought that it was a bit ironic that as I was driving to the community meeting about the material site, I was tailgated on Anchor Point Road by a 14 yard dump truck. I would ask the planning commission to please solve the access issue (or at least investigate options) prior to issuing a material site permit.

Kind Regards,

David Driggers

## Wall, Bruce

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**From:** David Gregory <davidgregory0754@gmail.com>  
**Sent:** Friday, July 13, 2018 12:53 PM  
**To:** Wall, Bruce  
**Subject:** Gravel pit application by Beachcomber llc. on Denver St.

Planning Commission Chairman

Mr Chairman,

I am David Gregory. I live on Seaward Ave where my wife and I own our home, and within 1/2 mile of the proposed sand gravel and peat operation proposed by Beachcomer LLC.

The first and foremost reason I oppose the permit for this operation is the possibility for it to alter the well water activity of wells in the area. This operation would be in the lowest possible point in the area and could cause a lowering of water level in nearby wells.

Secondly is the noise and dust created by machinery and equipment necessary to operate the operation.. Noise travels upward very well. A 6 ft berm is totally insufficient to control that noise. Nor will it control the dust created. Dust is a health hazard to many people and will travel a great distance with the prevailing winds, which quite often blow very strong in that area.

The increase of heavy truck traffic will only increase the undesirable noise and dust. It will also be destructive to the road surfaces.

David Gregory  
P O Box 904  
Anchor Point, AK 99556  
907 399 2510

## **Hartley, Patricia**

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**From:** Planning Dept,  
**Sent:** Friday, July 13, 2018 10:03 AM  
**To:** Wall, Bruce  
**Cc:** Hartley, Patricia  
**Subject:** FW: BeachcomberLLC Permit request

-----Original Message-----

**From:** Marie Herdegen [mailto:marieherdegen@icloud.com]  
**Sent:** Friday, July 13, 2018 10:01 AM  
**To:** Planning Dept,  
**Subject:** BeachcomberLLC Permit request

Dear Planning Commission Chairman,  
I would like to voice my opposition to Beachcomber LLC, tract number 169-010-67, 74185 Anchor Point Rd, Anchor Point, Ak 99556 request for conditional land use permit extraction. I believe this is an inappropriate use of residential property.

Marie Herdegen  
69195 Karen Circle  
Anchor Point, Ak 99556

Sent from my iPad





# Homer Soil & Water CONSERVATION DISTRICT

432 E Pioneer Ave, Ste D  
Homer, AK 99603  
(907) 235-8177  
[info@homerswcd.org](mailto:info@homerswcd.org)

July 13, 2018

Dear Borough Planning Commission members

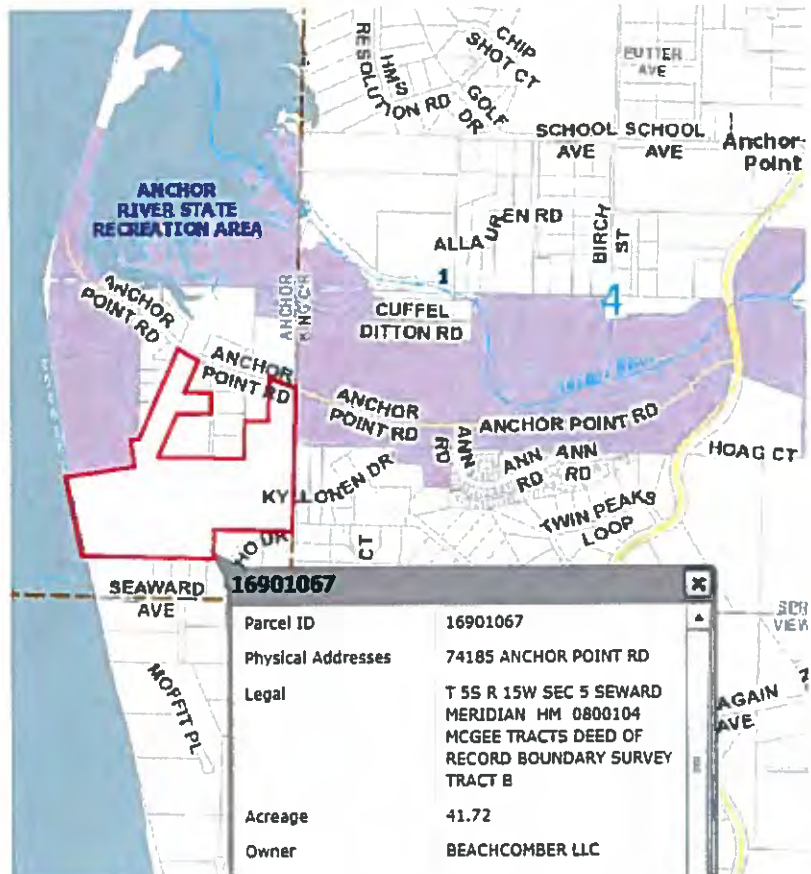
At its monthly meeting on July 11, the Homer Soil and Water Conservation District was asked to comment on the Notice of Public Hearing for a Conditional Land Use Permit for a material site. The site is located on parcel number 16901067 and is outlined in red in the map below. Homer Soil and Water supports responsible development of peninsula resources.

We note that the landowner who made this request was given less than a week to submit comments from the date they received the notification in the mail.

Homer Soil and Water Conservation District Board of Supervisors identified a number of questions, issues, and concerns related to the Land Use Permit application. Although the board took no further action at its meeting, it emphasizes that this location for a gravel pit is unique on the peninsula, as outlined below, and that proper vetting of this project is essential.

The LUP site presents unique challenges because of its proximity to the Cook Inlet coast and to coastal processes, including saltwater intrusion, storm surges, and tsunamis. The site is also unique because of its proximity to the mouth of the Anchor River. Finally, the site is adjacent to the Anchor River State Recreation Area (see above). Two campgrounds are very near the parcel.

The Board recommends that the Borough Planning Commission take the extra time it needs to properly consider the unique features of this site before making a final decision on the LUP application. The commission may want to seek information from entities such as the Anchor Point Chamber of Commerce, Alaska Division of Parks and Outdoor Recreation, Alaska Department of Fish and Game, and Alaska Department of Environmental Conservation (because of possible saltwater intrusion impacts to water quality in wells close to the gravel pit). Homer Soil and Water would also urge the Borough Planning Commission to take such comments into full and careful consideration during its decision making.



*"To provide education and leadership in the conservation and sustainable use of soil- and water-related resources through cooperative programs that protect, restore and improve our environment."*

Thank you for this opportunity to comment, and below is the list of questions, issues, and concerns identified during our board meeting.

- What impacts to the gravel pit are likely given its vulnerability to winter storms and storm surges?
- Specifically, what design features of the proposed coastal berm have been included to prevent storm surges from eroding the berm and causing its collapse?
- Has the applicant identified increased traffic volumes and weight likely on Anchor Point Road as a result of material site operations? How will road impacts be addressed?
- What information has been gathered to determine the likelihood of saltwater intrusion into gravel pit subsoils as a result of reductions in hydraulic pressure caused by removal of gravel?
- Is the gravel pit site within the historic Anchor River floodplain and, if so, what impacts to the river system might occur if the mainstem channel migrated into the gravel pit, for example, during 100-year or larger storm events?
- What information about local rates and impacts of sea level rise have been considered during project planning?
- Is there a long-term goal to establish a harbor at this site? If so, what comprehensive, integrated planning process is now underway to evaluate the long-term use of the area?
- What data have been collected about local noise levels from proposed gravel operations, including gravel trucks, and the effects of noise on campers and residents? Will noise-generating activities be restricted to certain hours?
- Are site-specific reclamation plans available for public and agency review?
- Have the potential economic impacts to tourism been evaluated by the applicant or any other entity?
- As shown in the maps and elevation profile below, much of the site is between 30 and 40 ft above sea level. What will be the greatest depth of material excavation above sea level? What impacts will removal of this overburden have on groundwater levels and nearby water quality?



Finally, the borough maintains outstanding geographic information resources readily accessible to the public. Two of these were used to develop the maps included here: the kpb parcel viewer at <http://mapserver.borough.kenai.ak.us/kpbmapviewer/> and the terrain viewer at

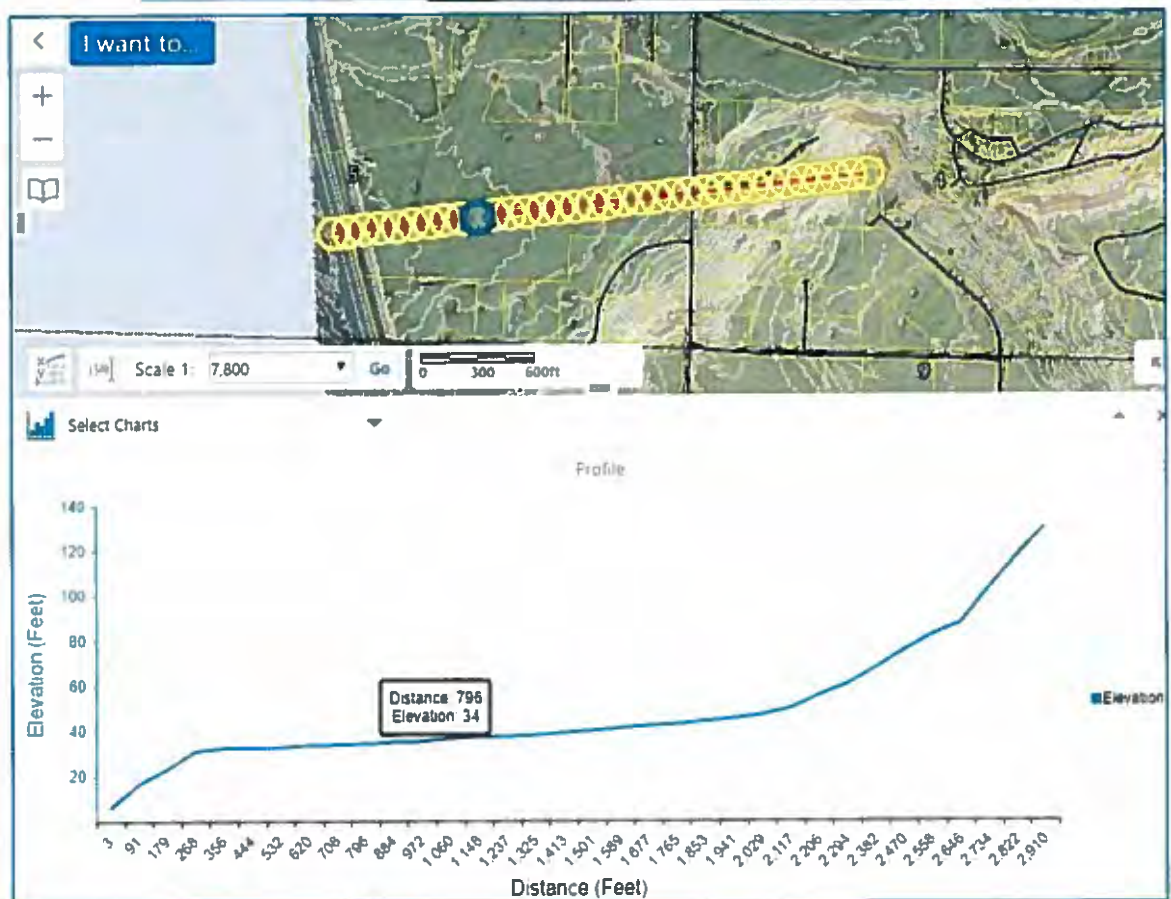
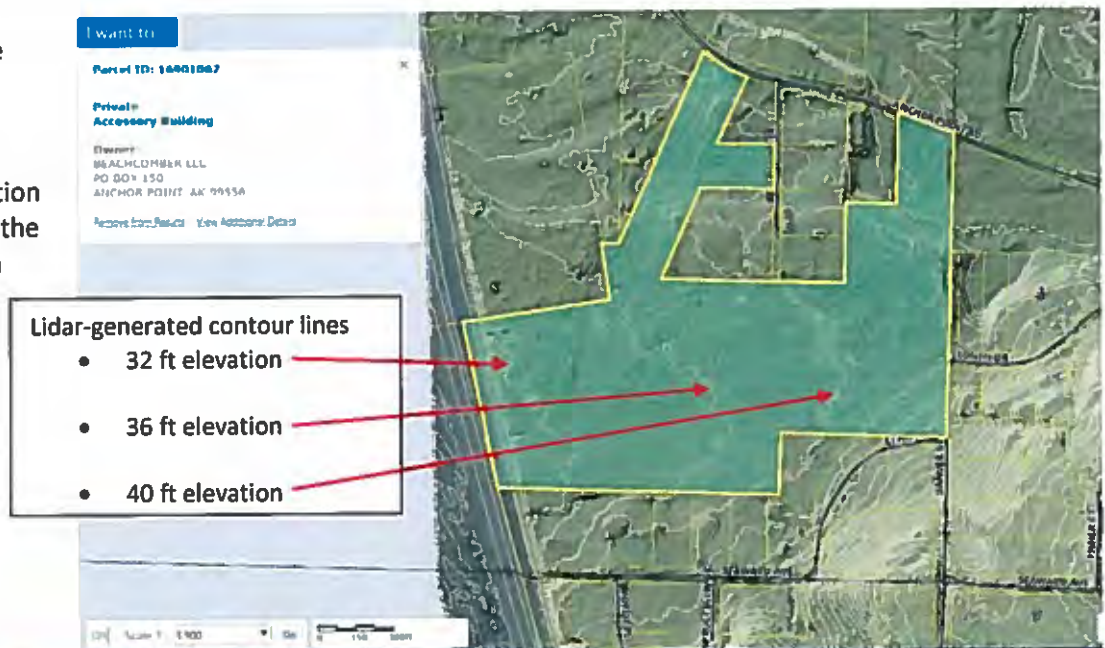


<https://gis.kpb.us/map/index.html?viewer=terrain>. Other outstanding kpb gis sites include the anadromous habitat viewer at [https://maps.kpb.us/gc/Html5Viewer/Index.html?viewer=P\\_KRCViewer](https://maps.kpb.us/gc/Html5Viewer/Index.html?viewer=P_KRCViewer) (which shows recently mapped anadromous stream channel locations in blue, as on the Anchor River above) and the wetlands viewer at <http://maps.kpb.us/wetlands/>.

Providing links to these resources in public notifications, or even better, including such information in notification packets, would enable the public to provide much more informed comments.

Thank you again for this opportunity to comment.

Chris Rainwater, Chair



## Wall, Bruce

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**From:** L Rick Oliver <roliverb747@me.com>  
**Sent:** Friday, July 13, 2018 9:30 AM  
**To:** Wall, Bruce  
**Cc:** Hans Bilben  
**Subject:** Gravel mining of Beacomber LLC Tract B McGee Tracts Plat (80-104)  
**Attachments:** Gravel Pit Pictures.zip

To the Planning Commission Chairman,

My name is Lawrence (Rick) Oliver and a longtime resident of Anchor Point. My property is directly adjacent to, and above, the proposed mining sight. Enclosed are pictures of the sight as it is today, as taken from my front deck, and additional pictures of the smaller parcel (adjacent to the proposed plat) from which the applicant has already removed significant material. It is my understanding that the applicant must adhere to certain standards for the removal of material from the proposed sights.

#1 of said standards addresses the lowering of water sources serving other properties. The existence of the substantial lake just below my property indicates that a major mining operation can't help but affect the water source of my property. I'm told there is significant additional information regarding this standard to be presented.

#3 addresses the "minimization of dust to off-site areas". Due to the proposed placement of the processing equipment, ANY on shore breeze will bring that dust to my home, directly across the street.

#4 addresses the noise disturbance to other properties. According to the radii shown on the application, the processing equipment is to be set much less than 300' from my front door. How can the noise and vibration from this equipment be, in any way, "minimized" in my home ?

#5 addresses (again) the "minimization" of visual impact. I'll let the pictures tell that story.

For the record, let it be known that my family and I (along with the other several hundred other people residing in this area) vehemently oppose the granting of this permit.

Sincerely,

Lawrence R. Oliver





R133





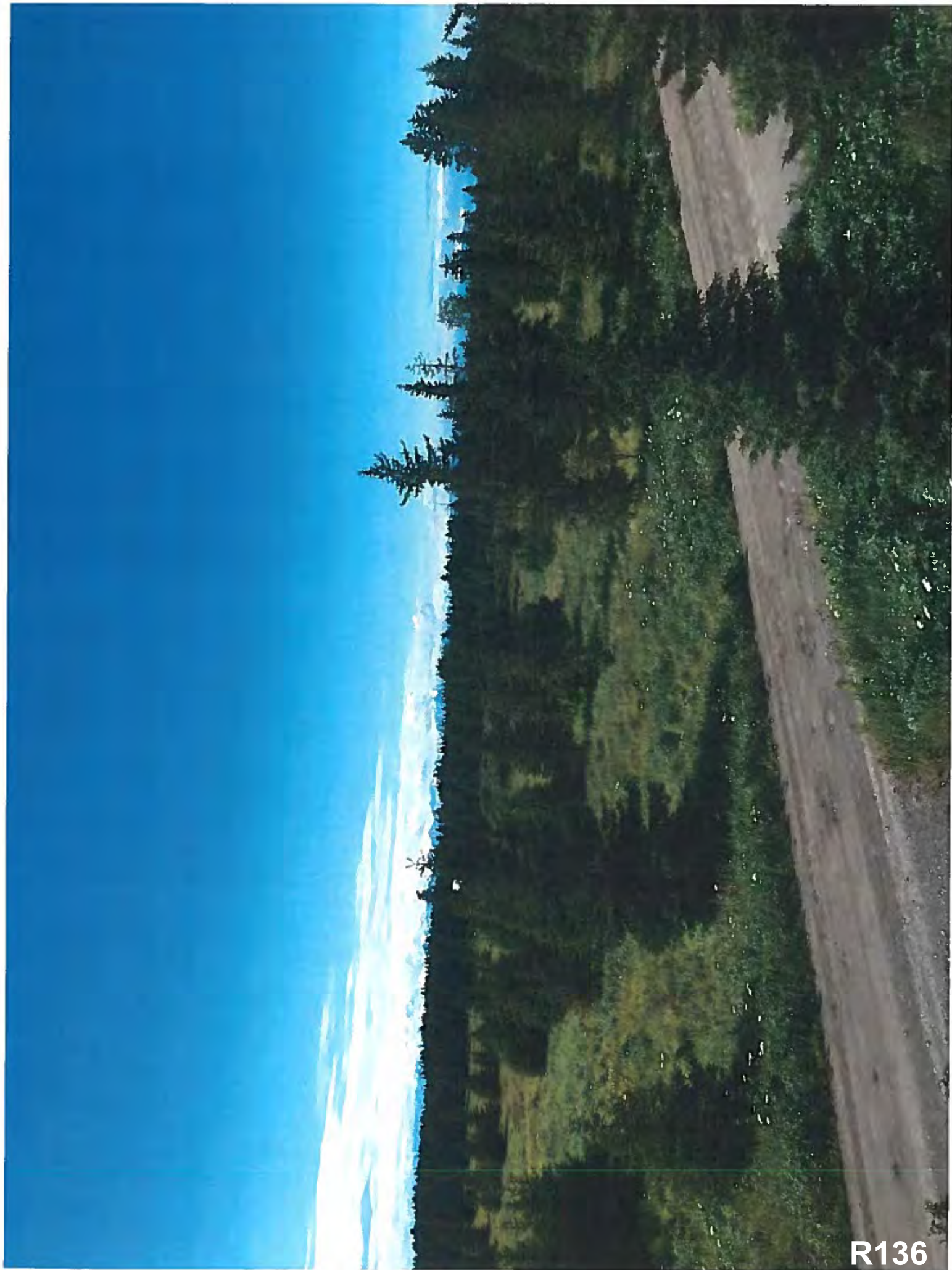
R134





R135





R136

# OPPOSITION TO THE PROPOSED MATERIAL EXTRACTION ON TRUCK B MCGEE TRACTS

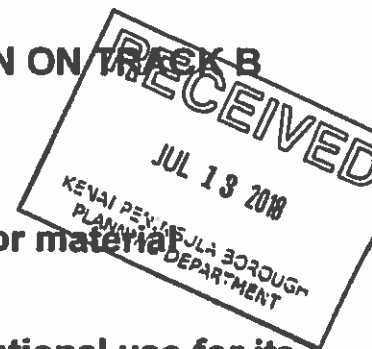
APPLICANT: BEACHCOMER LLC

We, the undersigned adamantly oppose the proposed permit for material extraction in the McGee Tracts / Anchor Point area.

The community of Anchor Point is heavily dependent on recreational use for its annual revenue. There are 5 state campgrounds providing 136 campsites and 31 day use parking and a private RV park providing 58 spaces. During the season there are approximately 40 boats launched each day. The main access to these campgrounds and the boat launch is the Anchor River Beach Road.

Sharing the road with the estimated additional truck traffic will negatively impact the fragile structure of the Anchor Point Beach Road. The proposed seasonal removal of approximately 50,000 cubic yards of material equates to 5,000 truck loads, each weighing 52,000 lbs. The road surface is not such that could withstand this heavy use.

In addition the pedestrian traffic safety would be in jeopardy. The road does not have the standard 2 foot shoulder.



Printed Name	Signature	Address	Date	Comments
Goeny Culley	[Signature]	1 Sea Perry Ct	7/9/18	
Larry Kelsey	[Signature]	1 Twin Peaks	7-9-18	NOTE NEW
John Ferrell	[Signature]	1 Shoreland Lane	7-9-18	
Matt Fournier	[Signature]	1 Shoreland Lane	7-9-18	
Reese Yount	[Signature]	12199 S. Bristol St.	7-9-18	rediculous
Todd Baran	[Signature]	1 73300 old skilling	7-9-18	
B. H. Smith	[Signature]	1 28249 Steeply	7/9/18	
Charles L. Gillen	[Signature]	PO Box 3240 1 KENAI, AK 99611	7/9/18	ND
Van H.	[Signature]	1 4575144 Yellow	7-9-18	
Steve Mastre	[Signature]	PO Box 309 A.P.	7/12/18	Road can't handle it!
Teresa Cosman	[Signature]	PO Box 563 AP	7-12-18	Road infrastructure issues Environmental issues, nuisances/econom Impact to Econ & AP issues, noise
Delcena Cosman	[Signature]	PO Box 563 AP	7-12-18	environment/economic issues
Walter H. Walker	[Signature]	1 1503 Taylor Way Kenai AK	7-12-18	

OPPOSITION TO THE PROPOSED MATERIAL EXTRACTION ON TRACK B  
MCGEE TRACTS

APPLICANT: BEACHCOMER LLC

<u>Mike Caputo</u>	<u>1 P.O. Box 247</u>	<u>7/11/18</u>	<u>IF APPROVED THAN THIS</u> <u>WHOLE PROCESS IS A JOKE</u>
<u>Dale GRINER</u>	<u>Box 101 A.P.</u>		
<u>Brianna Hark</u>	<u>1465 Kunkin</u>	<u>17-19-18</u>	
<u>Ryan Johnson</u>	<u>P.O. Box 798</u>	<u>Anchor point, AK</u>	<u>7-12-18</u>

**To: Kenai Peninsula Borough Planning Commission**

**From: James and Susan Reid**

**73820 Seward Ave.**

**Anchor Point, AK 99556**

**Phone: 299-226-3418**

**Subject: Beachcomber LLC proposed surface mining permit**

**We object to the issuance of the permit: for the following reasons:**

1. Have Mary and Emmet Trimbull submitted their reclamation plan to DNR as of 7/6/2018?
2. Regarding the hours of 6: AM to 10:00 PM for the use of the machinery, we consider that time period being excessive because this is a residential area. For example Dibble Creek's hours of operation are 9:00 AM to 4:00 PM.
3. In regard to the P code 21.29.040, what is the plan to protect the water aquifer and road damage. One test hole does not seem adequate. Also the current river road is falling apart. How will that be addressed?
4. What is the seasonal high water table level? How was it determined?
5. We are concerned about this highly congested residential and recreational area in the summer. There are literally thousand of people that live and visit this area.
6. In regard to the water filtration, removal of gravel and topsoil will effect filtration properties of the surface water as is exhibited in "Danver Lake". Will it possibly contribute pollutants to the Anchor River?
7. What is the definition of waiver in regard to the North property line? Staff does not recommend approval of the processing distance waver request. Why?



**Wall, Bruce**

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**From:** Bill Scott <naturesventures@gmail.com>  
**Sent:** Friday, July 13, 2018 10:33 AM  
**To:** Wall, Bruce  
**Subject:** Anchor Point Road gravel pit

Dear Mr. Wall,

I am writing today to oppose the gravel pit permits being requested on Anchor Point Rd. I strongly disagree to the possibility of having a gravel pit right by the Anchor River. I believe that area should be under some kind of protection from any kind of ground disturbances.

The people of Anchor Point rely on the tourism and fisheries of this this river and gravel pits and drilling rigs put the area at risk.

A great way to kill a town is to make it ugly and kill the river.

People invest in this Anchor Point because of the fishery and it's peaceful.

I am fed up with our state and borough passing out permits that impact people's livelihoods and investments to line the pockets of the few.

Concerned AP citizens

Leah and Bill Scott  
28279 Sterling Hwy  
PO Box 1193  
Anchor Point, AK 99556  
218-380-0623  
907-399-0623

Sent from my iPhone

## Wall, Bruce

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**From:** Carla Milburn <cjm2@me.com>  
**Sent:** Saturday, July 14, 2018 3:00 AM  
**To:** Wall, Bruce  
**Subject:** Anchor Point Gravel Pit

I just got word that about the prospect of a gravel pit somewhere in the vicinity of Danver street in Anchor Point. I strongly object to this project due to its location in a residential and recreational area. Please carefully consider other options elsewhere for this activity!

Thank you,  
Carla J. Milburn  
66090 Moosewood Ct  
Anchor Pt, Alaska 99556  
907-235-4192

July 10, 2018



Dear planning commission,

I am writing this letter to express grave concerns and objection to the proposed Gravel Pit permit that is pending for Beachcomber LLC. here in Anchor Point. I have listened to many folks speak of the noise and the lost view that will impact their homes, but my concern goes beyond a personal level.

This gravel pit has no business being allowed with the Anchor River flowing within 200 yards of the Northside of the property. The fisheries are a resource that many enjoy and the potential for damages to our water is real and likely. The roadway that follows the anchor river is a rural, narrow, road and is in need of repair. The State and the Borough, both do not have the funding to fix this recreational road, let alone, allow heavy equipment and trucks to run the road daily.

There are many gravel pits in the Anchor Point area, several are taken good care of, but there are others that are an absolute mess and eye sore. I read the regulations and they state that ADEC and others enforce the rules. I find that interesting since the North Fork road has open, unsightly pits at this very minute. Who will tell Beachcombers LLC, to fix the roads and waterways when they violate these rules, how can we be sure that we don't end up with one of those less maintained areas?

The coastal water runs on the edge of this property, and the area is wet normally, the chances of hitting ground water and mixing the surface and ground water is huge. Surely, you do not think that this group will self-report that they have violated the water rules before it becomes a massive expensive cleanup?

I find this permit request surreal. The level of greed that this landowner demonstrates is of no benefit to the community. The fact that the borough could allow one person to effect so many taxpayers and landowners in one area, is shocking. I have heard the tale that this landowner could not sale the land and that is why he is requesting to have this permit. I did my homework and he was offered money for that land several times and each time he quoted an unreasonable amount , this information alone indicates that this individual had another plan and a one sided plan it is!

Gravel pits are not meant to be dug in river bottom areas especially along a fishery such as the Anchor River. This is a disastrous plan and will effect generations of citizens if allowed to move forward. Please consider the ramifications and reject this permit.

Respectfully

Mark and Lee Yale

74140 Seaward Ave.

Anchor Point

AK 99556

## Wall, Bruce

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**From:** L Rick Oliver <roliverb747@me.com>  
**Sent:** Sunday, July 15, 2018 5:29 PM  
**To:** Wall, Bruce  
**Cc:** Hans Bilben  
**Subject:** Denver St. Gravel mining application

Hey Bruce,

Here's a picture of me at 6' (almost) holding a board 10' tall. I'm sure you can see my concern with "minimizing" visual impact from my house with a 6' berm. I'm standing 50' inside the newly designated property line. Hope this will help.

Sincerely,

Rick Oliver





R144



**Hartley, Patricia**

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**Subject:** FW: KPB CLUP Material site App AKA Beachcomber LLC GRAVEL PIT

**From:** Planning Dept,  
**Sent:** Monday, July 16, 2018 1:57 PM  
**To:** Hartley, Patricia  
**Cc:** Wall, Bruce  
**Subject:** FW: KPB CLUP Material site App AKA Beachcomber LLC GRAVEL PIT

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**From:** shirley gruber [<mailto:shirleytdx@yahoo.com>]  
**Sent:** Monday, July 16, 2018 1:51 PM  
**To:** Planning Dept,  
**Subject:** KPB CLUP Material site App AKA Beachcomber LLC GRAVEL PIT

This message is for Syverine Bentz, and perhaps any other commissioner with an interest regarding the above referenced item.

Good Afternoon, Syverine

My name is Shirley Gruber, and through contact with W. Dunne, he has suggested that I reach out to you with regards to the subject gravel permit request.

Currently at this point, I am sending my comments that were already submitted, but did not see them included in the meeting packet. I guess I just want to make sure they are available and perhaps considered in the decision process. Yes, they were submitted in time...

Please note that I am not really in support of a gravel pit, but then who is, but an alternative product removal route would really ease some of the stress myself and the community are experiencing. I understand, progress brings compromise.

I wish to thank you in advance for any consideration you can give to address my concerns.

Regards

Shirley Gruber  
73510 Twin Peaks Loop  
Anchor Point

----- Forwarded Message -----

**From:** shirley gruber <[shirleytdx@yahoo.com](mailto:shirleytdx@yahoo.com)>  
**To:** [bwall@kpb.us](mailto:bwall@kpb.us) <[bwall@kpb.us](mailto:bwall@kpb.us)>  
**Sent:** Thursday, July 12, 2018, 5:26:14 PM AKDT  
**Subject:** KPB CLUP Material site App AKA Beachcomber LLC GRAVEL PIT

Dear Mr. Bruce Wall

Bruce ,

Thank you for fielding and organizing all the public comments in the permitting process, for Beachcomber LLC gravel pit request. It is not an easy job, in my mind.

Therefore, I too appreciate the chance to submit my (our) concerns with regards to the material extraction...IE: Gravel pit. I see staff recommendation is to approve this permit, it appears to be a boiler plate request, but I ask you to reconsider that assessment for the following reasons.

I am aware of section 21.29.040 and .050 list regulations meant to protect the surrounding areas.

So Resolution 2018-23 Section 1 of Finding the Facts

Paragraph 10 item D states water is below 20 Ft, with intention to dig to only 18'

- Permit requester advocates he can dig down 40' for all the gravel he wants. The borough never checks. Thus my concern is to have water holes for swimming, or teenage hang outs bringing increased crime to the area.

Paragraph 10 item E, does not allow the removal of said water.

- Thus in a round about way the Borough has approved these potential water pits. Yes pumping it would bring habitat issues that would allow contaminated water to end up directly into the neighboring property and the Anchor River itself. Thus I also disagree with Nancy Carver that there is no habitat concerns, the loss of gravel will no longer cleanse the ground water that runs to and into the Anchor River, thus this brings us to damages.

Paragraph 11, Other property damage.

- Damage comes in two ways, physical and financial, it has been noted that the connecting property values will decline, while that gravel pit's value will have increased.
  - Will the loss of tax revenue from the existing home/property owners be offset by the increase tax revenue from this pit? In this case it is likely that even the Borough will have some damages (monetary) if approving this permit.
  - There is a complete buffer now in one section next to Beachcomber street and a new camp ground. To tear down those trees only to replace it with a berm for visual buffer, will cause revenue damage since a treed back drop is one reason campers stay there.

Paragraph 12, Dust control:

- As noted in the permit, Denver Road is the haul out road, Denver road is gravel road so calcium chlorides or water would be sufficient, HOWEVER this borough road is not the only haul out road to be used. Denver Road is a dead

end road. In order to reach the Sterling Highway, trucks must travel the Anchor Point Beach access road. This is a paved 2 lane no shoulder road. Calcium Chloride does not work on pavement and to continually wet this road would only create a muddy and slippery surface for the other road users. And this does not address the Anchor River Bridge, which cannot support the load.

#### Paragraph 13 and 14 Minimizing noise and visual impacts

- Other Road users will be extremely impacted with both noise, sights and added dangers from the haul trucks. The Anchor Point Road (beach access road) is a road that is loved to death. It is a highly used road, kids, bikes boats, pets, tourists, 4<sup>th</sup> of July parades, but not eligible for much financial or DOT support. Heavy commercial use on this already loved to death road will meet its end or someone on it will.
- It is the only way in and out for the families from their home and for beach goers that utilize the boat launch plus there are 5 Camp grounds on this road. And if anything bad happens, no evacuation could occur and no emergency vehicles could get in. There needs to be an alternate route to take out the gravel.
- The vegetation berms, are good, but only if you live at the flat ground level, any one who has a home that looks to the ocean also will have to watch equipment, rock crusher, gravel shaker, the full blown commercial operation.

For these reasons I don't think it passes the grade of the Code,-but each has there own interpretation, do I think it could pass, yes with a bit of fine tuning, versus a standard boiler plate permit version, as it appears now.

Lastly, yes everyone is of the nature that "not in my back yard", so it is easy to protest and complain, but hard to have a solution. Progress comes with a price, and heck who does not have a gravel drive, or pad on their lot, **I simply ask** that the commission post pone the approval until an alternate route can be established. And some of the concerns listed be fined tuned to allow the permitting, Currently there is another gravel pit on the docket, so getting gravel should not be a hardship, and if the Borough needed a reason to finish Danver Road to the south, well that time is now.

Respectfully

Shirley Gruber

73510 Twin Peaks Loop

Anchor Point.

**Wall, Bruce**

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**From:** Hans Bilben <catchalaska@alaska.net>  
**Sent:** Monday, July 16, 2018 2:19 PM  
**To:** Wall, Bruce  
**Subject:** Fwd: Anchor Point Gravel Point  
**Attachments:** humanremainshandout.pdf; contractorlistcurrent.pdf

Hi Bruce,

Here is more info on the proposed site in Anchor Point—I hope you'll pass it along to the Planning Commission,

See you tonight,

Hans Bilben

Begin forwarded message:

**From:** "Johnson, McKenzie S (DNR)" <[mckenzie.johnson@alaska.gov](mailto:mckenzie.johnson@alaska.gov)>  
**Subject:** RE: Anchor Point Gravel Point  
**Date:** July 16, 2018 at 1:05:55 PM AKDT  
**To:** Hans <[catchalaska@alaska.net](mailto:catchalaska@alaska.net)>

File No.: 3130-4R Private-Jeanne Bilben  
2018-00873

Ms. Bilben,

The Alaska State Historic Preservation Office (AK SHPO) received your request for information regarding known historical sites in the area of a proposed gravel mine. Upon review of the Alaska Heritage Resources Survey (AHRs) database there are two reported cultural resource sites in the area of the proposed mining.

- SEL-00280, prehistoric site, reported to consist of two house pits. Location is represented as a large polygon, exact location of features is unknown but current projected boundaries are within the proposed mining area.
- SEL-00281, historic graves and possible cache pits, reported to consist of 5 graves that at one time had grave markers, depressions tentatively described as cache pits were reported north of the graves. Location is represented as a large polygon, exact location of features is unknown but current projected boundaries are within the proposed mining area.

In Alaska there are two historic preservation laws that *may* apply unless the project is entirely private in nature:

- Alaska Historic Preservation Act (AHPA): State law requires all public construction or improvement activities conducted by, or requiring licensing or permitting from, the State of Alaska to comply with the Alaska Historic Preservation Act (AS 41.35.070). This also

includes required reporting of historic and archaeological sites on lands covered under contract with or licensed by the State or governmental agency of the State. This would include any material sources used under contract with the State.

- **National Historic Preservation Act (NHPA):** If there is Federal involvement (financial assistance, permit, license or approval) with the project it is the statutory obligation of the lead Federal agency to comply with Section 106 (36 CFR § 800) of the National Historic Preservation Act, which requires the Federal agency to take into account the effects that their undertaking may have on historic properties.

Were either of those laws to apply, our office would be likely to request that an archaeological survey is conducted to verify the site locations and assess the potential effects of the project pursuant to the applicable historic preservation law. In addition, there are State laws regarding the discovery and/or intentional disturbance of human remains, this pertains to ALL lands in Alaska, including private. I have attached our handout regarding human remains.

Due to the lack of clear information regarding the site locations our office strongly encourages the use of a qualified cultural resource professional to verify the site locations/boundaries, and offer recommendations to avoid adverse impacts to cultural resource sites by the proposed gravel mine. I have attached a list of cultural resource professionals for your reference if a survey is chosen to be conducted.

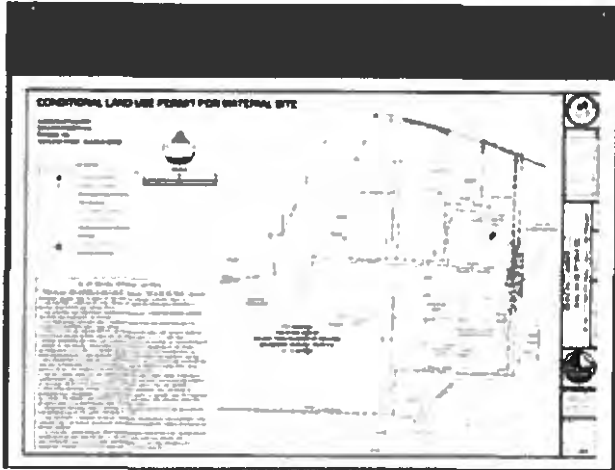
Thank you for contacting our office, if we can be of further assistance please let me know. Our website may also provide useful reference at <http://dnr.alaska.gov/parks/oha/index>.

**McKenzie S. Johnson**  
**Archaeologist I**  
**Alaska State Historic Preservation Office/Office of History and Archaeology**  
**550 W. 7<sup>th</sup> Ave, Suite 1310**  
**Anchorage, AK 99501**  
**Phone: 907-269-8726**  
**E-mail: [mckenzie.johnson@alaska.gov](mailto:mckenzie.johnson@alaska.gov)**

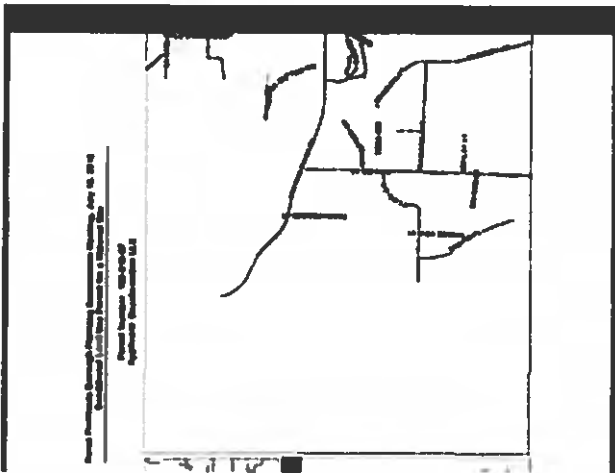
**From:** Hans [<mailto:catchalaska@alaska.net>]  
**Sent:** Monday, July 16, 2018 10:44 AM  
**To:** Johnson, McKenzie S (DNR) <[mckenzie.johnson@alaska.gov](mailto:mckenzie.johnson@alaska.gov)>  
**Subject:** Anchor Point Gravel Point

Hi, please send any info you might have concerning the historical importance of this potential gravel mine location. These are the maps of the proposed area. Thanks, Jeanne Bilben. (399-6156)





Sent from my iPad



# GUIDELINES

## Laws and Protocols Pertaining to the Discovery of Human Remains in Alaska

The treatment of human remains following inadvertent discovery is governed by state and federal laws, land status, postmortem interval (time since death), and biological/cultural affiliation. First and foremost, the site of discovered remains should be regarded a potential “crime scene” until a person with appropriate expertise and authority determines otherwise.

### ***State Laws:***

Several State laws are applicable to the discovery of human remains in Alaska. The State Medical Examiner (SME) has jurisdiction over all human remains in the state (with rare exceptions, such as military aircraft deaths), regardless of age.

AS 12.65.5 requires immediate notification of a peace officer of the state (police, Village Public Safety Officer, or Alaska State Trooper [AST]) and the State Medical Examiner when death has “been caused by unknown or criminal means, during the commission of a crime, or by suicide, accident, or poisoning.”

In this regard, contact the Alaska State Troopers in the applicable region first. (See list of contacts on following page.) The AST has interpreted notification procedures as applicable to all remains, including ancient remains.

AS 11.46.482(a)(3), which applies to all lands in Alaska, makes the “intentional and unauthorized destruction or removal of any human remains or the intentional disturbance of a grave” a class C felony.

AS 41.35.200, which applies only to State lands, makes the disturbance of “historic, prehistoric and archeological resources” (including graves, per definition) a class A misdemeanor.

AS 18.50.250, which applies to all lands in Alaska, requires permits for the disinterment, transport, and reinterment of human remains. Guidance and permits are available from Health Analytics & Vital Records (see attached list of contacts).

### ***Federal Laws:***

On Federal lands and Federal trust lands, the unauthorized destruction or removal of archaeological human remains (i.e., more than 100 years old) is a violation of 16 USC 470ee (Archeological Resources Protection Act). If human remains on federal or federal trust lands are determined to be Native American, their treatment and disposition are also governed by the Native American Graves and Repatriation Act (NAGPRA) of 1990 (PL 101-601; 25 USC 3001-30013; 104 Stat. 3048-3058; 43 CFR 10). NAGPRA also applies to Native American human remains from any lands if the remains are curated in any institution that receives federal funds.

### ***General Guidance:***

**Your first contacts should be the regional Alaska State Troopers, the Alaska State Medical Examiner’s Office, local law enforcement, AST/Missing Persons Clearinghouse, the Alaska Office of History and Archaeology, and the landowner.**

In many instances, the field archaeologist must make a judgement call regarding the age of the remains, his/her level of confidence in the evaluation, and whether further investigation by a specialist is warranted. While notification under State Law is required, peace officers and the SME generally regard archaeologists competent to make these type determinations and welcome input that may assist with the investigation. With regard to ancient remains (> 100 years old), the SME and AST will generally defer to the opinion of the field archaeologist and require no further criminal investigation. However, the remains and a surrounding buffer area should not be disturbed until appropriate reporting and consultation have occurred.

**CONTACT INFORMATION FOR STATE OFFICIALS INVOLVED WITH HUMAN  
REMAINS ISSUES IN ALASKA**

*\*Denotes suggested contact person in list below.*

**1.) Alaska State Troopers, Missing Persons Clearinghouse:**

Phone: (907) 269-5038

Fax: (907) 337-2059

Lt. Paul Fussey

Phone: (907) 269-5682

E-mail: [paul.fussey@alaska.gov](mailto:paul.fussey@alaska.gov)

\*Malia Miller

Phone: (907) 269-5038

E-mail: [malia.miller@alaska.gov](mailto:malia.miller@alaska.gov)

\*After contact by phone, send e-mail with relevant information and photos to Lt. Fussey and Malia Miller.

**2.) Alaska State Medical Examiner's Office:**

\* Reporting Hotline (Death Hotline) to speak with on-duty investigator.

Phone: (907) 334-2356

1-888-332-3273 (Outside Anchorage)

Stephen Hoage, Operations Administration

Phone: (907) 334-2202

Fax: (907) 334-2216

e-mail: [stephen.hoage@alaska.gov](mailto:stephen.hoage@alaska.gov)

Dr. Gary Zientek, Chief Medical Examiner

Phone: (907) 334-2200

Fax: (907) 334-2216

e-mail: [gary.zientek@alaska.gov](mailto:gary.zientek@alaska.gov)

**3.) Alaska Office of History and Archaeology (State Historic Preservation Office):**

Office Phone: (907) 269-8700

\*State Archaeologist

Fax: (907) 269-8908

Email: [oha.permits@alaska.gov](mailto:oha.permits@alaska.gov)

**4.) Health Analytics & Vital Records**

For burial transit permits and disinterment/transit/reinterment questions:

\* Registration Help Line

Phone: (907) 465-5423

**Contractor's List** The consultants listed are not certified in any way by this office. It is up to the individual to make sure the consultant is qualified to do the work for which they were hired.

<p>Following is a list of persons who have requested that their names be included in the Alaska State Historic Preservation Office's list of consultants. We do not certify that the consultants listed are qualified to do the work for which they were hired. It is up to the individual to make sure the consultant is qualified to do the work for which they were hired.</p>													
Lastname	First name	Company	Address	City	State	Zip	Phone	Fax	Email	Web	Archaeological	Historic Preservation	Historical Photographers
Alexandrowicz	John Stephen	Archaeological Consulting Services - ACS	P.O. Box 39, 13626 Pollard Drive	Lytle Creek	CA	92336	909-887-0795	909-887-0795	alexandrowicz@acs.com		x	x	x
Allen	Bonnie	JAH Architects, LLC	942 South Alaska Street, #100A	Palmer	AK	99645	907-746-7571	907-746-0081	jah@mtsonline.net	<a href="http://www.jaharchitects.com">www.jaharchitects.com</a>	x	x	
Anders	Jake	Stephen R. Braund & Associates (SR&A)	P.O. Box 10-1480	Anchorage	AK	99510-1480	907-778-8418	907-278-6117	jake.anders@srba.com	<a href="http://www.srba.com">www.srba.com</a>	x	x	TK, Subsistence, NEPA
Argo	Lindsay	Northern Land Use Research Alaska, LLC (NLLR Alaska) Anchorage Office	725 Christensen Dr. Suite 4	Anchorage	AK	99518	907-346-2457	907-339-2457	largo@northernlanduse.com	<a href="http://www.northernlanduse.com">www.northernlanduse.com</a>	x	x	
Bernier	Jobe	Invision Architecture	1231 Gambell Street, Suite 400	Anchorage	AK	99501	907-891-3677	907-348-1325	jobe@invisionarch.com	<a href="http://www.invisionarch.com">www.invisionarch.com</a>	x	x	Board of Directors, Alaska Association for Historic Preservation, Historic Preservation Plan Inventory Assessments and Updates
Boyd, AIA	Sean M.	NorthWind Architects, LLC	126 Seward Street	Juneau	AK	99801	907-588-8150 ext 201	907-596-6161	sean@northwindarch.com	<a href="http://www.northwindarch.com">www.northwindarch.com</a>	x	x	
Boyle, AIA	Susan	BOLA Architecture and Planning	159 Western Ave W Ste 408	Seattle	WA	98119	206-447-4749	206-447-5462	sboyle@bolarch.com	<a href="http://www.bolarch.com">www.bolarch.com</a>	x	x	Historic documentation, landmark nominations, HABSAUER, EIS,
Braund	Stephen R.	Stephen R. Braund & Associates (SR&A)	P.O. Box 10-1480	Anchorage	AK	99510-1480	907-278-8222	907-278-6117	srba@srba.com	<a href="http://www.srba.com">www.srba.com</a>	x	x	TK, Subsistence, NEPA
Browne	Patricia	Browne Research	446 East 23rd Avenue	Anchorage	AK	99503	907-278-4280		pattybrowne@yahoo.com		x	x	
Burns, RPA	Jason	Southeastern Archaeological Research, Inc.	700 N. 9th Avenue,	Pensacola	FL	32501	850-607-2846 phone, 850-281-1009 cell	850-436-5048	jason@searchinc.com	<a href="http://www.searchinc.com">www.searchinc.com</a>	x	x	x-Maritime Archaeology
Canninen	Roger	Appraisal Express	1228 Spring Creek Road	Dandridge	TN	37725	865-387-2480	865-387-7590	ERCanninen@aol.com		x	x	x-Historic Property Appraisal
Cassell, PhD	Mark S.	Territory Heritage Resources Consulting	200 West 34th Avenue, #8	Anchorage	AK	99503	907-380-2888 cell, 907-277-6687 land		mark@territoryheritage.com	<a href="http://www.territoryheritage.com">www.territoryheritage.com</a>	x	x	
Combs, AIA, NCARB, Architect	Sam	Combs and Combs, AIA	7480 Upper O'Malley Road	Anchorage	AK	99507	907-346-3990	907-346-3990	scombs@gcd.net		x	x	

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Last Name	First Name	Company	Address	City	State	Zip	Phone	Fax	Email	Web	Archaeological	Historic Preservation	HABS/HAER Photographers	Cultural Anthropological	AHRS Research Lit Review	Other
Higgs, MA, RPA	Andrew	Higgs Research & Consulting	1120 Huffman Rd., Suite 24-782	Anchorage	AK	99515	907-310-8817		andy@higgsr.com		x	x			x	
Holmes	Charles M	Holmes Cultural Resource Consulting	15140 Moss Place	Anchorage	AK	99516	907-250-0805	907-345-1904	bmammoth@gmail.com		x	x			x	
Hunter	Andrea	Hunter Environmental Associates, Inc.	3570 Basin Street	Fairbanks	AK	99709	907-451-5563	907-451-5563	nealnc@accalaska.net						x	
Jentzen	Anna M.	UIC Science LLC	P.O. Box 638	Barrow	AK	99723	907-852-7387	907-852-5783	anna.jentzen@ucscience.com		x	x			x	
Krauthoelter	Tracee	Convus Culture	2506-B Fairbanks St	Anchorage	AK	99503	907-230-2384		tracee@convus-culture.com	<a href="http://www.convus-culture.com">www.convus-culture.com</a>	x	x			x	
Lane	Donna	Donna Lane Associates	P.O. Box 2644	Valdez	AK	99686	907-435-2780		dl@convnet.net							
Lawrence, AJA	Rhoda	BOLA Architecture and Planning	159 Western Ave W Ste 400	Seward	AK	99118	208-447-4749	208-447-4462	rhodenc@bolarch.com	<a href="http://www.bolarch.com">www.bolarch.com</a>		x				Historic documentation, landmark nominations, HABS/HAER, ES.
Lewis	Maria	MLP & Associates	446 Bliss Street	Anchorage	AK	99508	907-301-8088	907-929-2383	maria.protop.jewell@gmail.com						x	
Lyon	Bob	Lyon Photographica	9301 Brookridge Drive	Anchorage	AK	99504	303-514-0079		bobbyon001@yahoo.com				x			
Marin	Richard	Krik Tribal Council	P.O. Box 871585 - 1744 N. Prospect Drive, Palmer, AK	Wasilla	AK	99667	907-373-7891	907-373-2178	marinr@kriktribe.org		x	x			x	Section 108 Reviews, Field Surveys, Commissioner Anchorage Historic Preservation Commission
Mason	Owen K.	Geosarch Alaska	220 W Sky Dr	Boise	ID	83702	907-441-5598	907-336-0053	geosarch15@gmail.com		x				x	
Matheson, AJA	Janet	Janet Matheson Architect	P.O. Box 80587	Fairbanks	AK	99708	907-474-2800	907-374-2875	jimm1@accalaska.net						x	
McKiehan	J. David	McKiehan Consulting	10218 Meadowbrook Rd	Ashland City	TN	37015	907-230-8880		ugnuat@hotmail.com		x				x	
Mierhardt	Robert	True North Sustainable Develop Solutions, LLC	P.O. Box 874135	Wasilla	AK	99617-4135	907-841-4080		robert.mierhardt@truenorthsolutions.com		x	x	x	x	x	

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Lastname	First name	Company	Address	City	State	Zip	Phone	Fax	Email	Web	Archaeological	Historic Preservation	HAAS/HAER Photographers	Cultural Anthropological	AHIS Research Ltr Review	Other
Merrill	Bruce		3301 Madison Way	Anchorage	AK	99508-4422	907-277-0019		merrellb@comcast.net							
Miller	Robyn	ASRC Energy Services Alaska	3900 C Street, Suite 700	Anchorage	AK	99503	907-334-1567	907-335-5475	robyn.miller@asrcenergy.com	<a href="http://www.asrcenergy.com/">http://www.asrcenergy.com/</a>						
Mobley	Charles M	Charles M. Mobley & Associates	200 West 34th Avenue, #534	Anchorage	AK	99503	907-853-1937		charlesm@mobley.com	<a href="http://www.charlesmobley.com/">http://www.charlesmobley.com/</a>						
Mobley	Ottar	Heritage Consulting Services	200 W. 34th Ave. #706	Anchorage	AK	99503	703-678-8737		ottar.mobley@gmail.com							
Morehouse	Jana	Beyond Environmental Services Technology, LLC.	1118 Northeast Drive	Rapid City	SD	57701	605-366-1802		jana@beyondservices.com	<a href="http://www.beyondservices.com/">www.beyondservices.com</a>						NEPA, History, GIS services
Morris	Holly	Michael L. Foster & Associates, Inc.	13135 Old Glenn Highway, Suite 200	Eagle River	AK	99577	907-698-6200	907-698-6202	hlm@mllfassociates.com	<a href="http://www.mllfassociates.com/">http://www.mllfassociates.com</a>						
Morrison	Audrey	Cultural Resource Consultants LLC - CRC	5604 East 67th Avenue	Anchorage	AK	99507	907-348-3443, mobile 205-408-5987	480-772-4185	am@crcalaska.com	<a href="http://www.crcalaska.com/">http://www.crcalaska.com/</a>						
Ottel	Molly	Alutiq Museum	215 Mission Rd, First Floor	Kodiak	AK	99815	844-435-8644	868-335-7767	molly@alutiqmuseum.org	<a href="http://alutiqmuseum.org">alutiqmuseum.org</a>						preparing collections for curation
Painter	Diana J.	Painter Preservation	3618 N. C Street	Spokane	WA	99205	707-783-6500		diana@preservationplans.com	<a href="http://www.preservationplans.com/">www.preservationplans.com</a>						
Perry	Elizabeth	SWCA, Inc.	1130 West 8th Avenue, Suite 110	Anchorage	AK	99501	907-278-7922	907-278-7944	eperry@swca.com							
Pierson, RPA	Larry J.	Brian F. Smith and Associates	14010 Power Road, Suite A	Power	CA	92084	858-484-0915	858-579-9898	brian@bfsa-cs.com	<a href="http://www.bfsa-cs.com">www.bfsa-cs.com</a>						
Pipkin	Mark	Walking Dog Archaeology	P.O. Box 244752	Anchorage	AK	99524-4762	907-227-4413	907-278-9725	walkingdog@alaska.com							
Prozorak	Michael A.	iqib architects	425 G Street, Suite 800	Anchorage	AK	99501	907-274-7443	907-274-7407	michael@iqibarchitects.com	<a href="http://www.iqibarchitect.com/">www.iqibarchitect.com</a>						
Ramsey Ford	Dawn	HDR, Inc	2525 C Street, Suite 500	Anchorage	AK	99503	907-644-2145	907-644-2022	Dawn.Ramsey@hdrinc.com	<a href="http://www.hdrinc.com">www.hdrinc.com</a>						

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Lastname	First name	Company	Address	City	State	Zip	Phone	Fax	Email	Web	Archaeological	Historic Preservation	HA/BSHA/ER Photographers	Cultural Anthropological	AHRS Research/ Lit Review	Other
Ramirez	Amy	True North Sustainable Develop Solutions, LLC	P.O. Box 874135	Wasilla	AK	99617	907-841-4000		amy.ramirez@yahoo.com		X	X	X	X	X	
Raymond-Yakoubian	Julie	Julie M. Raymond-Yakoubian	P.O. Box 1828	Nome	AK	99762	907-443-4273		julie@hybear.com		X					
Reamer, PhD	Richard E.	Reamer & Associates, Inc.	1215 Southwest 170th Street	Seattle	WA	98106	206-242-7817	206-242-7817	reamer@eskins.com		X	X				
Rieger	Douglas	Rieger Archaeological Consulting	P.O. Box 2867	Soldotna	AK	99606	907-282-9447		dougl@gcd.net		X				X	
Rogers	Monty	Cultural Alaska	P.O. Box 200013	Anchorage	AK	99520	907-748-1889		culturalalaska@gmail.com	<a href="http://www.culturalalaska.com">www.culturalalaska.com</a>	X			X	X	Section 106 & NEPA services; CR survey, analysis, document prep. Additional services
Rushmore	Paul	Paleo Logics	P.O. Box 2132	Wrangell	AK	99929	907-874-2842	907-874-144	Paul@gcd.net		X					
Sakuradai	Patrick	Aleutiq Museum	215 Mission Rd, First Floor	Kodiak	AK	99615	944-435-8844	907-335-7767	patrick@aleutiqmuseum.org	<a href="http://aleutiqmuseum.org">aleutiqmuseum.org</a>	X	X			X	preparing collections for curation
Saenger-Boss	Frien	Kwik Tribal Council	P.O. Box 871595 - 1744 N. Prospect Drive, Palmer, AK	Wasilla	AK	99687	907-375-7829	907-375-2178	tsaengerboss@inkscribe.org		X	X			X	Section 106 research and nominations for listing in the National Register of Historic Places, 106 Reviews, Field Surveys, Field investigations/ excavations
Slaughter	Dale	Dale C. Slaughter Archaeologist	808 W 56 Avenue	Anchorage	AK	99518	907-562-1907	907-677-6016	archdale@ak.net		X					
Steffan, RPA	Amy	Aleutiq Museum	215 Mission Rd, First Floor	Kodiak	AK	99615	944-435-8844	907-335-7767	amy@aleutiqmuseum.org	<a href="http://aleutiqmuseum.org">aleutiqmuseum.org</a>	X	X			X	preparing collections for curation
Stern, PhD	Richard O.	Alaska Cultural Resources Consultants	P.O. Box 190592	Anchorage	AK	99519-0592	907-242-1947	907-243-0054	DRStern107@aol.com		X			X	X	
Stone	Daniel E.	Cultural Resource Evaluators	P.O. Box 111414	Anchorage	AK	99511	907-345-5783		AUCargo@aol.com		X			X	X	
Stratke	Corey	Speerfish Research	5675 Old Ridge Trail	Fairbanks	AK	99709	907-452-3828		coreystratke@gmail.com	<a href="http://www.speerfishresearch.com">www.speerfishresearch.com</a>	X					
Teeter	Sean	HDR, Inc.	2525 C Street, Suite 500	Anchorage	AK	99503	907-644-2150	907-644-2022	Sean.Teeter@hdrinc.com	<a href="http://www.hdrinc.com">www.hdrinc.com</a>	X					



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Last Name	First Name	Company	Address	City	State	Zip	Phone	Fax	Email	Web	Archaeological	Historic Preservation	HABS/HAER Photographers	Cultural Anthropological	AHRS Research LR Review	Other
Tobey	Jennifer	ASRC Energy Services Alaska	3900 C Street, Suite 700	Anchorage	AK	99503	907-339-5481	907-339-5475	jennifer.tobey@asrcenergy.com	<a href="http://www.asrcenergy.com">http://www.asrcenergy.com</a>	X	X		X	X	Ethnohistory, NEPA
Veltre	Douglas W.	DWV Consulting	1319 G Street	Anchorage	AK	99501	907-277-1735	907-277-1736	veltre@gci.net		X					
Welsh, AIA	Amenda	Welsh Whiskey Architects, LLC	327 Bowden Street	Ketchikan	AK	99901	907-225-2412	907-225-2422	amenda@welshwhiskey.com	<a href="http://www.welshwhiskey.com">www.welshwhiskey.com</a>	X	X				Historic Architect, HABS/HAER Drawings
Whitehead	John S.	John S. Whitehead	4211 Misty Morning Way, Apt. 2502	Gainesville	GA	30606	770-534-0960		j.white@bellsouth.net							
Whiskey, AIA	Timothy	Welsh Whiskey Architects, LLC	327 Bowden Street	Ketchikan	AK	99901	907-225-2412	907-225-2422	tim@welshwhiskey.com	<a href="http://www.welshwhiskey.com">www.welshwhiskey.com</a>	X	X				Historic Architect, HABS/HAER Drawings
Whitney	James	Circa 89	1750 Barn Swallow Way	Fairbanks	AK	99709	907-590-1720		edwhitney@gmail.com		X					Preparing Collections for Curation
Wilcox	David	Golden Associates, Inc.	2247 Fox Heights Lane, Suite A	Green Bay	WI	54304	820-481-2500		dwilcox@golder.com							Section 106 & NEPA services; CR survey, analysis, document preparation, historic documentation
Wiley	Anastasia	ISIS Corp	P.O. Box 1718	Haines	AK	99827	907-786-3513	907-786-3523	wileycorple@isincorp.net	<a href="http://www.isincorp.net">www.isincorp.net</a>	X	X	X	X	X	
Wills	Susan	Beltzworth North Architects and Planner Inc.	212 Front Street	Fairbanks	AK	99701	907-456-5780	907-451-8522	info@beltzworthnorth.com	<a href="http://www.beltzworthnorth.com">www.beltzworthnorth.com</a>	X	X				
Yarborough	Uinda Elm	Cultural Resource Consultants LLC - CRC	3504 East 67th Avenue	Anchorage	AK	99507	907-349-3445, mobile 907-230-5835	480-772-4185	fy@crclaska.com	<a href="http://www.crclaska.com/">http://www.crclaska.com/</a>	X	X		X	X	
Yarborough	Michael	Cultural Resource Consultants LLC - CRC	3504 East 67th Avenue	Anchorage	AK	99507	907-349-3445, mobile 907-308-8065	480-772-4185	mry@crclaska.com	<a href="http://www.crclaska.com/">http://www.crclaska.com/</a>	X	X		X	X	
Yeener	David R.	David R. Yeener, Archaeological Consultant	21741 Woodcliff Drive	Chugach	AK	99567	907-688-0864	907-786-6850	dfy@uas.alaska.edu, marinodmrm@gci.net	<a href="http://www.uas.alaska.edu/marinodmrm/">www.uas.alaska.edu/marinodmrm/</a>	X					
CrQuinn	Luzi Flynn	DOWL HQM	4041 B Street	Anchorage	AK	99503	907-563-2000	907-563-3953	lquinn@dowl.com	<a href="http://www.dowl.com">www.dowl.com</a>	X	X	X	X	X	

**From:** Wall, Bruce  
**To:** Hartley, Patricia  
**Subject:** FW: Denver Gravel Pit  
**Date:** Monday, July 16, 2018 4:17:36 PM

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**From:** Paul Roderick [mailto:pauls.services1970@gmail.com]  
**Sent:** Monday, July 16, 2018 3:17 PM  
**To:** Wall, Bruce <bwall@kpb.us>  
**Subject:** Denver Gravel Pit

Dear Mr Wall,

It has come my attention that I must address the land valuation issue concerning a gravel pit owned by Emmitt Trimble on Denver Street in Anchor Point. A neighbor mentioned they were just sold a piece of land (of high value) and was never informed by the realtor, Coastal Realty, Mr Trimble, that he owned a gravel pit nearby. A terrible breach of ethics concerning our new community members! This is not the only neighbor expressing concern.

As any prospective land owner would have considered for this neighborhood on Denver Street, I would not have chosen to buy land at the value I purchased it at had I known it would be devalued by the installation of a gravel pit in this vicinity.

There is an older gravel pit owned by Buzz Kyllonnen that has caused much controversy in the area. The care for it has been problematic and dangerous. The pond there has high sides with little slope and no attempt to warn or protect the public of the whereabouts or dangers contained therein. Furthermore, the Beach Rd is considered a lower category highway, too narrow for heavy traffic.

It is my observation that many of the land owners with \$.25million or more homes in this area would be displeased at the prospect of a gravel crusher in their front yard. The Kenai Peninsula Borough may find themselves looking at potential lawsuits concerning this matter.

Respectfully Yours,  
Paul Roderick





**Kachemak Bay Conservation Society**

3734 Ben Walters Ln, Homer, AK 99603

907 235.8214

kbayconservation@gmail.com

Filed Electronically  
: [bwall@kpb.us](mailto:bwall@kpb.us).

June 16, 2018

Kenai Peninsula Planning Department  
144 N. Binkley St.  
Soldotna AK. 99669

Dear Planning Commission,

Kachemak Bay Conservation Society (KBCS) is a nonprofit grassroots organization with over 80 members who live and work in the area of Kachemak Bay at the southern end of the Kenai Peninsula. For over 35 years KBCS has come together to work for protection of the environment of the Kachemak Bay region and encourage sustainable use and stewardship of local natural resources through advocacy, education, information, and collaboration. Please accept the following comments on behalf of the members of KBCS.

The proposed Resolutions 2018-22 & 2018 13, before you this evening have major ramifications to the health of the Anchor River Drainage and fishing industry that depends on the Anchor River. The fact that the proposed Resolution 2018- 22 spans the North Fork of the Anchor is appalling. The question of water quality ramifications has certainly not been answered nor has a ground water flow been considered. The effects of these two developments is not understood nor considered at this point.

Fort the above reasons it is prudent, and paramount that these Resolutions, 2018-23 & 2018-22 be rejected or postponed.

With the Borough looking at new Gravel Pit Extraction Regulations in the near future it would be prudent to put off any decision until such time as this is accomplished and a better understanding of the effects these pits could have on the surrounding ecosystem is understood.

The Kachemak Bay Conservation Society (KBCS) which represents all it's members on this issue strongly states that more thought has to go into these two resolutions and hopes that NO Action will be taken to move these forward at tonights meeting.

Sincerely,  
Roberta Highland  
President, Kachemak Bay Conservation Society

## **Hartley, Patricia**

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**From:** Christy Cupp <christycupp5@hotmail.com>  
**Sent:** Monday, July 16, 2018 4:33 PM  
**To:** Hartley, Patricia  
**Subject:** Comments for tonight's meeting  
**Attachments:** Comments for tonights meeting.docx

Good afternoon,

Please give these comments to tonight's meeting on Beachcomber LLC's proposed gravel pit. Comments are attached.

Thank you,  
Christy Elmaleh

Dear Kenai Peninsula Borough Planning Committee,

I am unable to make it to tonight's meeting because of my work schedule, but I wanted to submit my comments on Beachcomber, LLC's proposed gravel pit.

I am opposed to this gravel pit.

My husband, two young children, and I own a property on Seabury. I take my dog, infant, and six year old walking past that property on a regular basis. Sadly, if this proposed gravel pit is approved, the increase in traffic will prohibit me from being able to safely take my children on a walk down that road.

I am also opposed to this gravel pit because it will lower the property values in our neighborhood.

Another reason I am opposed to this gravel pit is that it is right across the road from a state recreation campsite. Revenues that the state gathers from this campsite will be lowered, as many people prefer not to camp across for an industrialized area.

My family bought our house specifically because of the proximity to the state recreation area. We want our children to grow up in a natural, peaceful, and safe part of town.

Please join me in opposing Beachcomber LLC's request for a gravel pit. Thank you for your consideration.

Sincerely,

Christina Elmaleh



VIA EMAIL ONLY  
([mbest@kpb.us](mailto:mbest@kpb.us))

July 16, 2018

Max Best, Planning Director  
Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, Alaska 99669

Re: Resolution 2018-23; Beachcomber LLC Proposed Gravel Pit & Milling Operation at the Mouth of the Anchor River (KPB Parcel No. 16901067)

Dear Mr. Best & Planning Commission Members:

Please accept these comments on the above-referenced gravel pit and milling operation proposed at the mouth of the Anchor River.

Cook Inletkeeper is a community-based nonprofit group formed by concerned Alaskans in 1995 to protect the Cook Inlet watershed and the life it sustains. Inletkeeper is intimately familiar with gravel pits and their potential impacts: over the past twenty-plus years, Inletkeeper has reviewed many dozens of gravel pit proposals, and responded to many groundwater, surface water, habitat and other concerns regarding gravel pits.

Gravel pits provide an invaluable service to our community; we all use gravel and it's literally and figuratively a foundation for our local communities. At the same time, gravel pits highlight some of the thorniest conflicts between allowable uses, because in the alluvial systems found on the Kenai Peninsula, extractable gravel resources often lie in close proximity to the lakes, streams and wetlands that support our wild salmon. And wild salmon drive our local economies, and in many ways, define what it means to be Alaskan.

The current KPB Material Sites Ordinance is woefully inadequate to protect the water and wetlands resources that support our salmon, and other local, state and federal laws and rules fall far short too. That said, the current application fails to meet even current KPB gravel pit standards.

The Material Site Ordinance is “intended to protect against aquifer disturbance...to protect[] against the lowering of water resources serving other properties.” KPB Ordinance 21.29.040(A)(1). For all Conditional Land Use Permits (CLUPS), the applicant must maintain a two-foot vertical separation from the “seasonal high water table.” KPB Ordinance 21.29.050(A)(4)(c) (emphasis added). Yet the application merely states groundwater depth was determined by “[t]esthole on parcel and exposed surface water to the north.” The application does not indicate the timing of the test hole, and whether it accurately reflects the “seasonal high water table.” As a result, the application is incomplete and should be rejected because it fails to provide the information needed to “protect against aquifer disturbance” as required by KPB Ordinance.

The complexity of our salmon systems cannot be overstated, and the interplay between surface water and groundwater near the mouth of the Anchor River is vitally important for the health of our wild salmon. The comments from the National Estuarine Research Reserve highlight the connectivity between the proposed gravel pit site and the Anchor River estuary, and reveal the importance of the estuary to salmon at various life stages. These issues take on additional importance because the application states a desire to mine into the water table at some point in the future.

While many believe the Planning Commission has its “hands tied” by the KPB Material Site Ordinance, the fact is that the Planning Commission has broad delegated authorities to investigate and make recommendations to the Assembly:

Investigation and recommendation authority. The planning commission may consider and investigate subject matter tending to the development and betterment of the borough and make recommendations as it considers advisable to any department of the borough government and to the assembly. The commission may make or have made surveys, maps or plans.

KPB Ordinance 2.40.050.

Accordingly, the Planning Commission has considerable discretion here, and due to the considerable public controversy surrounding this application, and in light of its close proximity to the mouth of one of the most recognized salmon streams on the Kenai Peninsula, we recommend the Planning Commission undertake additional investigations to answer the following questions:

- What is the seasonal high water level?
- What is the rate and direction of groundwater flow?
- What effects will flow from the removal of peat and other vegetation with regard to surface runoff?
- How much dust and dirt will enter the Anchor River through airborne deposition from gravel extraction, milling and hauling activities under prevailing conditions?



These are but a sampling of questions which need to be answered if we hope to maintain the ecological integrity of the Anchor River. As we all know, the Anchor River is under incredible stress, and piecemeal development, warming stream temperatures, overharvest and habitat impacts are playing out the "death by a thousand cuts" problem that has plagued wild salmon systems elsewhere.

Therefore, in addition to the request to reject this application – or at least defer it for future consideration until the application is complete - we call on the Kenai Borough Assembly and the Planning Commission to put a moratorium on all gravel pit authorizations until the Material Sites Task Force has completed its work and adopted enforceable standards that will protect our public land, water and fish resources.

Thank you for your attention to this important issue, and please do not hesitate to contact me with any questions at 907.299.3277 or [bob@inletkeeper.org](mailto:bob@inletkeeper.org)

Yours for Cook Inlet,

A handwritten signature in black ink, appearing to read "Bob Shavelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Shavelson  
Inletkeeper

**MISCELLANEOUS**

**&**

**ADDITIONAL INFORMATION**

# Petition to Reject Proposed Sand, Gravel, and Peat Extraction near Denver St., Anchor Point, Alaska

We, the citizens of the town of Anchor Point, petition the Kenai Borough to reject the proposed sand, gravel, and peat extraction permit application submitted by Mary and Emmitt Trimble of Beachcomber LLC.

The negative impact to the surrounding residential properties renders the proposed operation intolerable with regard to noise, dust/dirt, damage to roadways, decrease in property values, and devastation of the natural beauty of the view we currently enjoy.

We respectfully demand that the Kenai Peninsula Planning Commission reject the proposed permit. We hope that the Trimbles will find a more suitable location for their excavation business.

Name	Address	Phone #	Signature
Ann Cline	34926 Denver St.	(425) 449-3540	Ann Cline
Richard Cline	34926 Denver St.	(907) 715-7237	RL Cline
Joseph Sparkman	73884 Seaward Ave	707-321-4404	Joseph Sparkman
Chris Spillman	73884 Seaward Ave	(907) 321-4406	Chris Spillman
Richard Poth	73553 Seaward Ave	507-437-6430	Richard Poth
Pete Kinnear	34969 Denver	727-3323	Pete Kinnear
Maurice Poth	73553 Seaward Ave	507-437-6430	Maurice Poth
Mike Patrick	34897 Fisher Ct.	907-299-2165	Mike Patrick
Jinda Patrick	34897 Fisher Ct.	907-299-2619	Jinda Patrick
Janice Krutel	73884 Seaward Ave	970 3008940	Jan Krutel
Teresa J. Gryn	73850 Seaward	907-399-0063	Teresa J. Gryn
David D. Gryn	73850 Seaward	907-399-2510	David D. Gryn

SUSAN REID	73820 SEAWARD AVE	907- 226-3418	Susan J. Reid
J.D. REID	73820 SEAWARD AVE	907 226 3418	J.D. Reid
WAYNE TOURANGEA	38940 SEABURY CR	907-295 4345	Wayne Tourangea
CHERYL RATES	" "	907-295 8387	Cheryl Rates
Josh E. Munk	34885 Seaburyport	311-8675	Josh E. Munk
Eileen Shanda	34860 Seaburyport	10335-5542	Eileen D. Shanda
GARY L. Shreider	34860 Seaburyport	907.235-5542	Gary L. Shreider
Chawn Allen	73931 Seaward Ave		Chawn D. Allen

From: **Johnson, McKenzie S (DNR)** mckenzie.johnson@alaska.gov  
Subject: RE: Anchor Point Gravel Point  
Date: July 16, 2018 at 1:06 PM  
To: **Hans** catchalaska@alaska.net

File No.: 3130-4R Private-Jeanne Bilben  
2018-00873

Ms. Bilben,

The Alaska State Historic Preservation Office (AK SHPO) received your request for information regarding known historical sites in the area of a proposed gravel mine. Upon review of the Alaska Heritage Resources Survey (AHRs) database there are two reported cultural resource sites in the area of the proposed mining.

- ✓ • SEL-00280, prehistoric site, reported to consist of two house pits. Location is represented as a large polygon, exact location of features is unknown but current projected boundaries are within the proposed mining area.
- ✓ • SEL-00281, historic graves and possible cache pits, reported to consist of 5 graves that at one time had grave markers, depressions tentatively described as cache pits were reported north of the graves. Location is represented as a large polygon, exact location of features is unknown but current projected boundaries are within the proposed mining area.

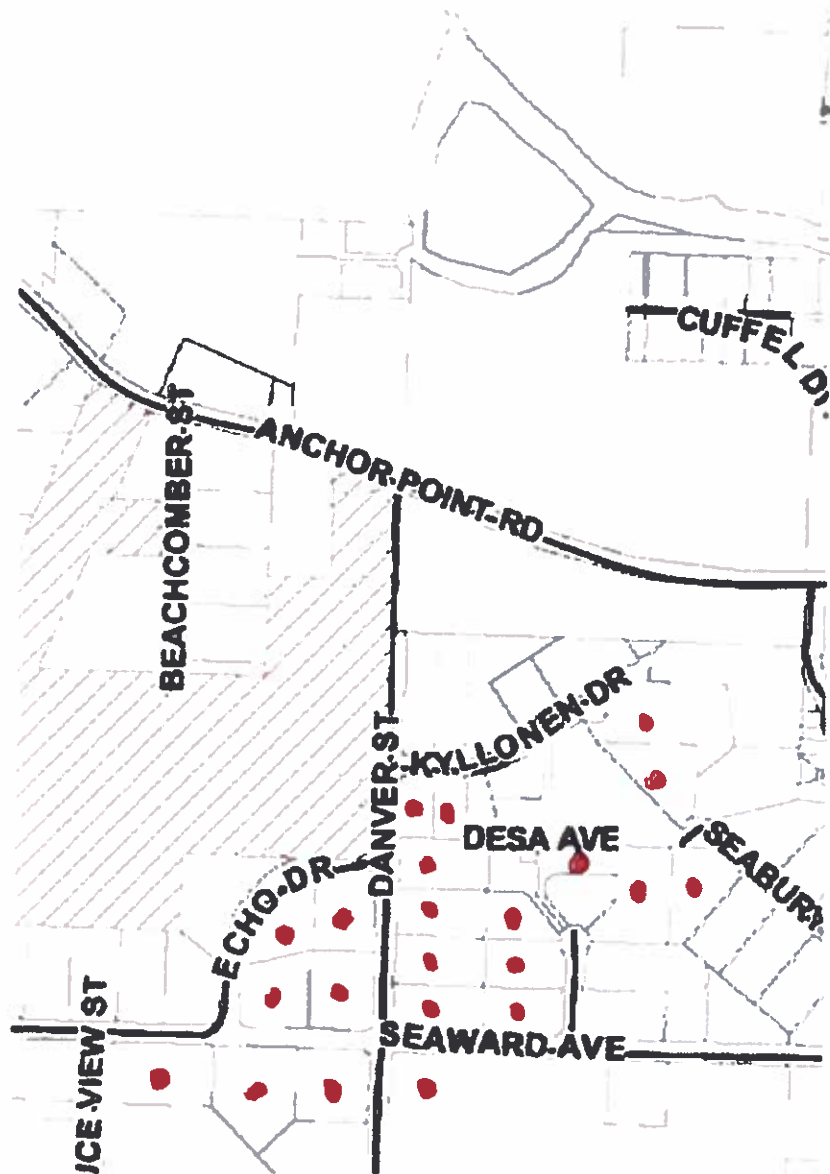
In Alaska there are two historic preservation laws that *may* apply unless the project is entirely private in nature:

- Alaska Historic Preservation Act (AHPA): State law requires all public construction or improvement activities conducted by, or requiring licensing or permitting from, the State of Alaska to comply with the Alaska Historic Preservation Act (AS 41.35.070). This also includes required reporting of historic and archaeological sites on lands covered under contract with or licensed by the State or governmental agency of the State. This would include any material sources used under contract with the State.
- National Historic Preservation Act (NHPA): If there is Federal involvement (financial assistance, permit, license or approval) with the project it is the statutory obligation of the lead Federal agency to comply with Section 106 (36 CFR § 800) of the National Historic Preservation Act, which requires the Federal agency to take into account the effects that their undertaking may have on historic properties.

Were either of those laws to apply, our office would be likely to request that an archaeological survey is conducted to verify the site locations and assess the potential effects of the project pursuant to the applicable historic preservation law. In addition, there are State laws regarding the discovery and/or intentional disturbance of human remains, this pertains to ALL lands in Alaska, including private. I have attached our handout regarding human remains.

Due to the lack of clear information regarding the site locations our office strongly encourages the use of a qualified cultural resource professional to verify the site



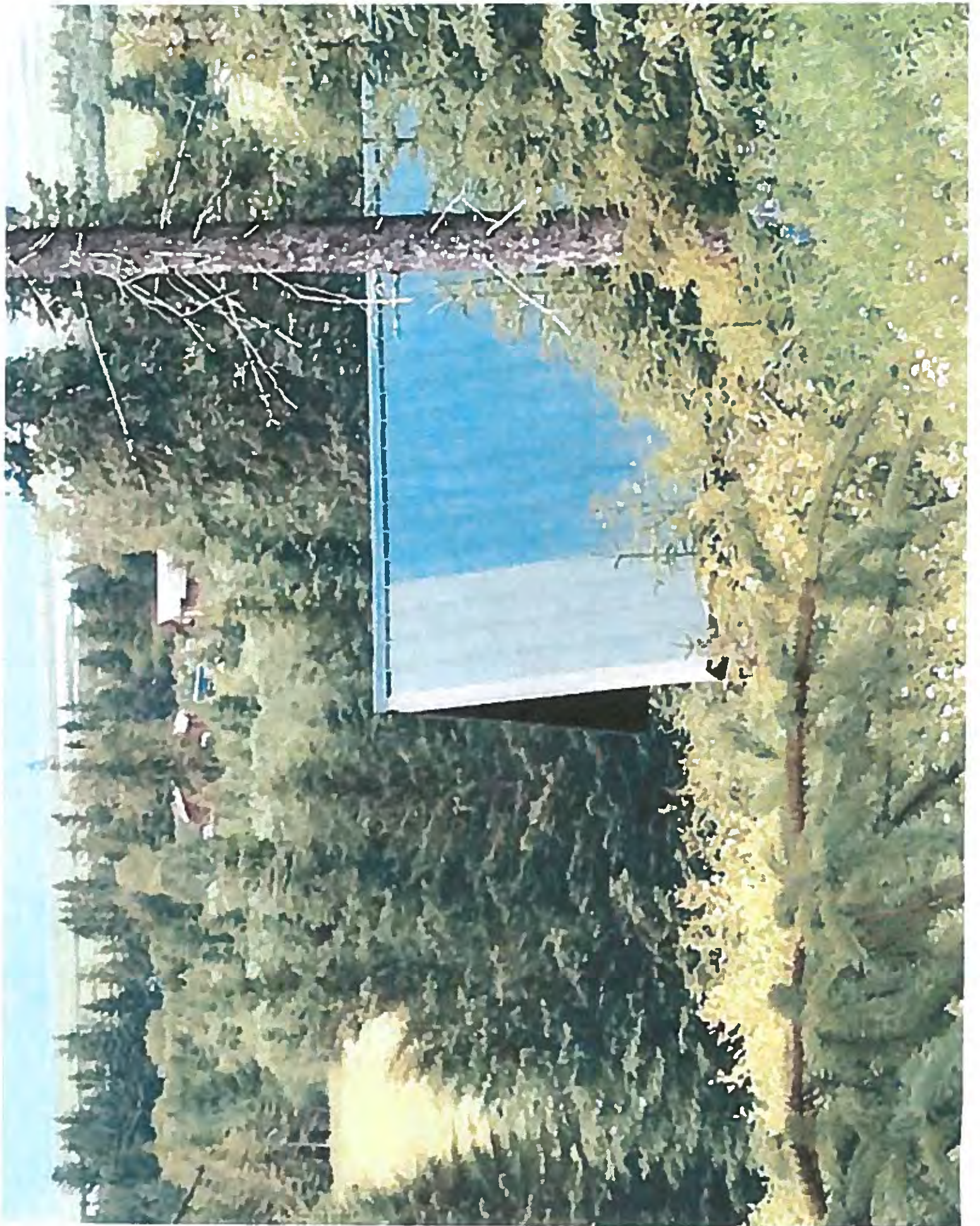


• RED DOT INDICATES PROPERTIES AT ELEVATIONS THAT CANNOT BE PROTECTED FROM NOISE OR VISUAL IMPACT BY BERMS OR BUFFERS. MORE NORTH OF PROJECT



R170





R171





R172

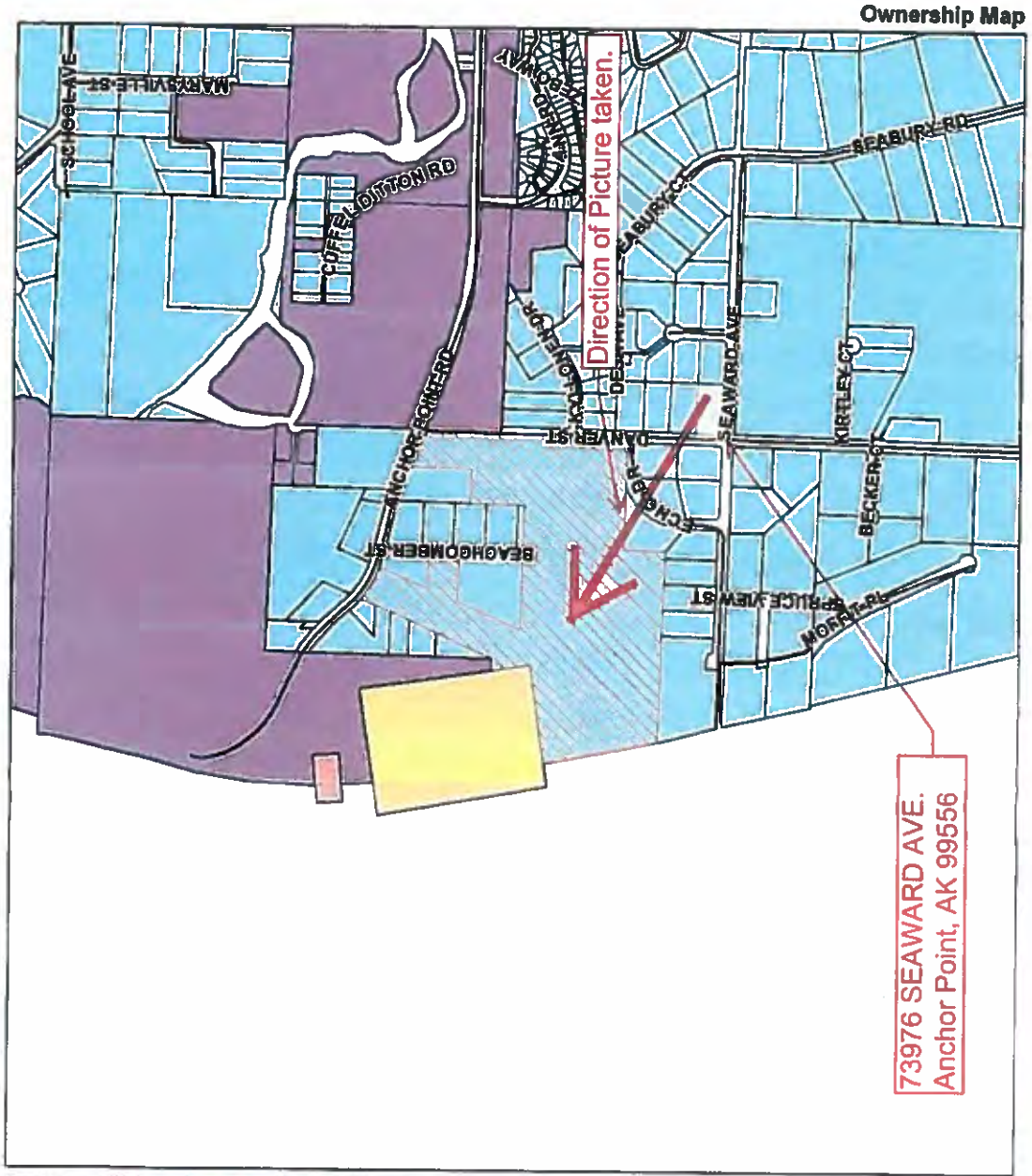


Handout at Meeting  
Beachcomber material  
Site 7/14/18





**Parcel Number: 169-010-67**  
**Applicant: Beachcomber LLC**











**Wall, Bruce**

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**From:** Emmitt Trimble <emmitttrimble@gmail.com>  
**Sent:** Monday, July 16, 2018 11:11 AM  
**To:** Wall, Bruce  
**Subject:** FW: Video  
**Attachments:** IMG\_0843.MOV; Untitled attachment 00596.txt

Hi Bruce,

This was done yesterday in 3 hours, and can be reproduced each time I would expand to the south, where at most 5 homes have a very limited view of the area now.

Emmitt















## Planning Department

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

Charlie Pierce  
Borough Mayor

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

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

Public notice is hereby given that a conditional land use permit application has been received for material extraction on a parcel in the **Anchor Point** area. This notice is being sent to landowners located within ½ mile of the subject properties. All members of the public are invited to comment. The projects under consideration are described as follows:

**Applicant:** Beachcomber LLC

**Landowner:** Beachcomber LLC

**Parcel Number:** 169-010-67

**Legal Description:** Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.

**Location:** 74185 Anchor Point Road

**Proposed Land Use:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

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

**Public Hearing:** A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday, July 16, 2018**, commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held in the assembly chambers of the borough administration building located at 144 N Binkley St, Soldotna.

**Public Comment:** Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99669. A statement addressed to the chairman may also be emailed to: [bwall@kpb.us](mailto:bwall@kpb.us). Please provide written statements by Friday July 13, 2018. Aggrieved persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

The application and staff report will be available on the Planning Commission website a week prior to the meeting. For additional information or to obtain a copy of the application materials earlier, please call the planning department at (907) 714-2206, or 1-800-478-4441 (toll free within the Borough).

Bruce Wall, AICP  
Planner



**Kenai Peninsula Borough Planning Commission Meeting, July 16, 2018**  
**Conditional Land Use Permit for a Material Site**

**Parcel Number: 169-010-67**  
**Applicant: Beachcomber LLC**

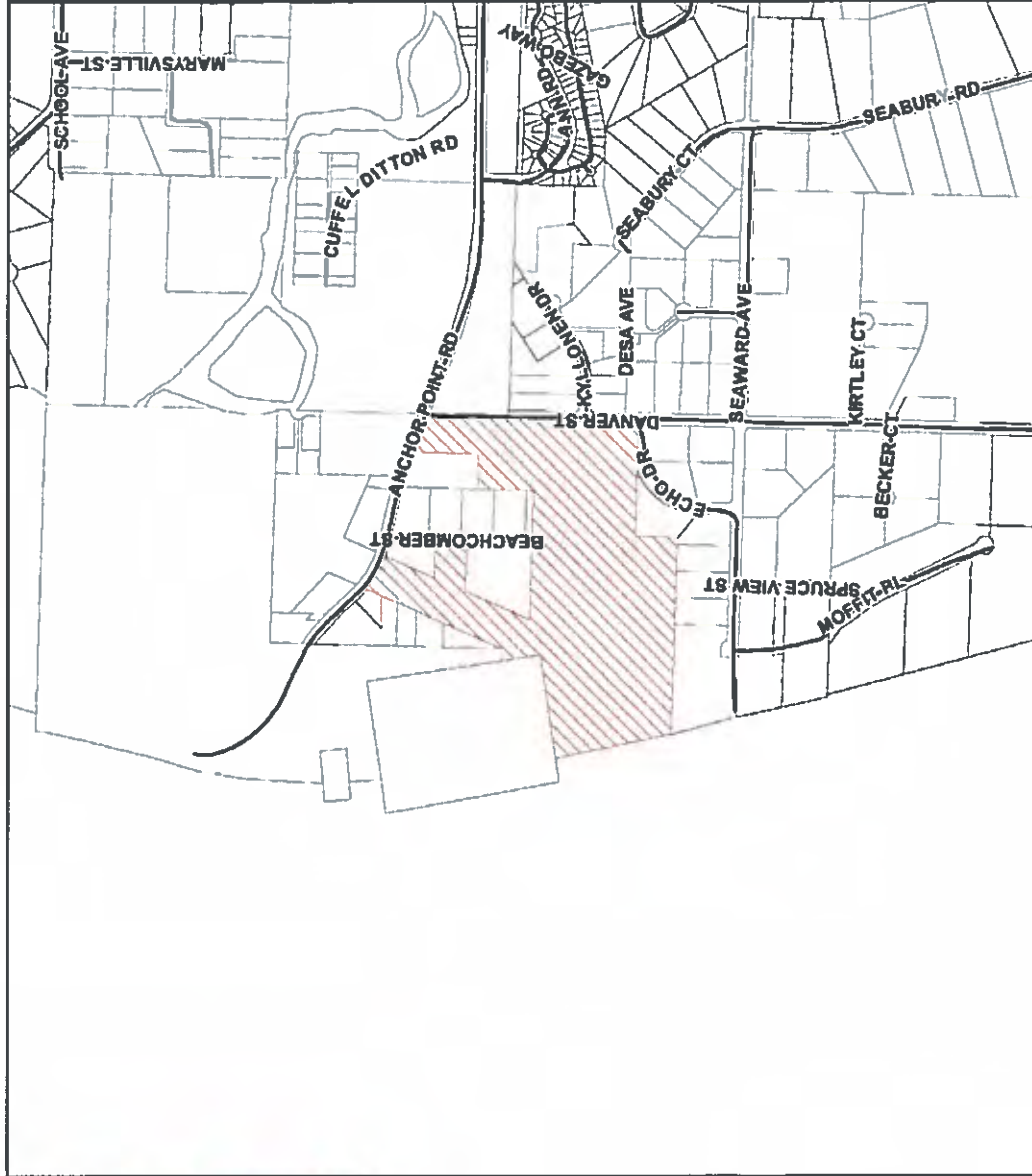


**LEGEND**

 **Subject Parcel**



**Date: 6/21/2018**  
 The information depicted herein is a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



## ABBREVIATED STAFF REPORT

PC MEETING: July 16, 2018

**Applicant:** Beachcomber LLC

**Landowner:** Beachcomber LLC

**Parcel Number:** 169-010-67

**Legal Description:** Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.

**Location:** 74185 Anchor Point Road

**BACKGROUND INFORMATION:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

The submitted site plan indicates that the material site haul route will be Danver Street, which is a Borough maintained road. The site plan and application proposes the following buffers:

- North: 6-foot high berm except along the east 400 feet where a 50-foot vegetated buffer is proposed.
- South: 6-foot high berm.
- East: 6-foot high berm.
- West: Greater than 50-foot vegetated buffer.

The application indicates that the depth to groundwater is 18 feet and that the depth of the proposed excavation is 10 feet. The groundwater depth was determined by a test hole on the property and exposed surface water to the north. The site plan indicates that the processing area is 300 feet from the south and east property lines. It is greater than 300 feet from the west property line. A waiver is being requested from the north property line. The site plan indicates that the proposed processing area is located 200 feet south of Parcel 169-022-08, which is undeveloped. Parcel 169-022-04 is developed and located within 300 feet of the proposed processing area; this parcel is owned by the applicant's daughter. The site plan indicates that there are several wells located within 300 feet of the parcel boundaries but none within 100 feet of the proposed excavation area.

The application states that reclamation will be completed annually before the growing season ends (September) and that seeding will be applied as necessary each season to areas that achieve final grade in order to minimize erosion and dust. The applicant estimates a life span of 15 years for the site with an approximate annual quantity of less than 50,000 cubic yards.

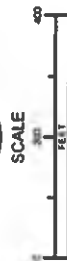
### STAFF RECOMMENDATION

It is anticipated that staff will recommend that additional buffers be required in the southern portion of the site where a 6-foot berm may not be sufficient to provide visual and noise screening of the proposed use. It is anticipated, that with the additional buffer requirement, that the six standards contained in KPB 21.29.040 will be met and that staff will recommend that the Planning Commission approve the conditional land use permit with the conditions listed in the full staff report.

### ADDITIONAL INFORMATION

The application and complete staff report, including staff recommended findings and conditions, will be available on the Planning Commission website a week prior to the meeting. For additional information or to obtain a copy of the application materials earlier, please call the planning department at (907) 714-2206, or 1-800-478-4441 (toll free within the Borough).

OWNER/APPLICANT  
BEACHCOMBER LLC  
PO BOX 193  
ANCHOR POINT ALASKA 99556



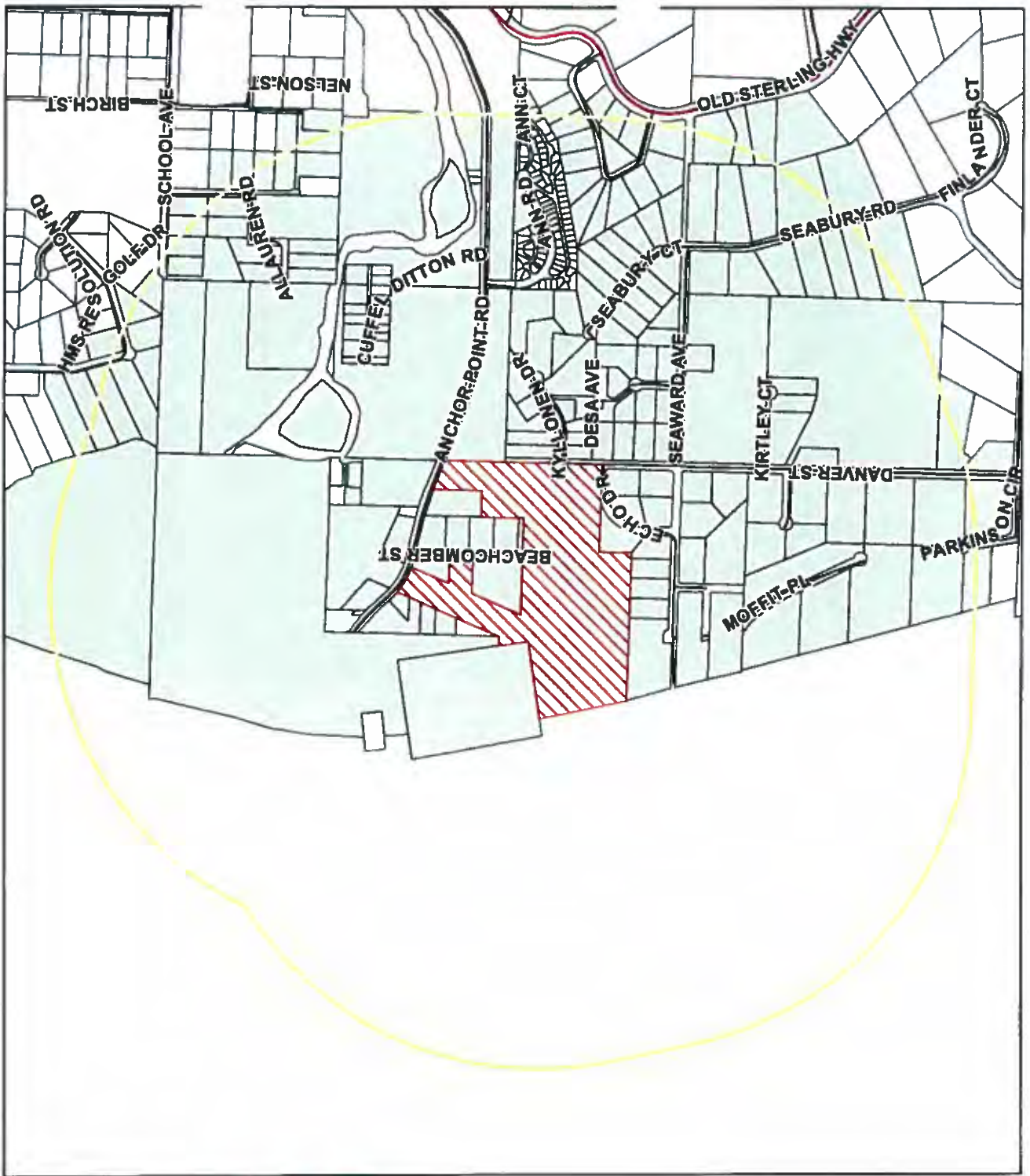
LEGEND	
	RECORD MONUMENT
	PROPERTY CORNERS
	PROPOSED INGRESS/EGRESS
	WELL SETBACK
	INTERVISIBLE FLAGGING
	EXISTING TREE LINE
	PROPOSED BUFFER TREE LINE
	WETLAND
	APPROX. TESTHOLE LOCATION
	EXISTING FENCE LINE

1. THIS PERMIT APPLICATION IS FOR PARCEL 18001067, T5G R15W SECTION 5 SEWARD MERIDIAN. MCGEE TRACTS DEED OF RECORD BOUNDARY SURVEY TRACT B
2. THE EASTERLY PORTION OF THIS PARCEL IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION AND GRASS FIELD.
3. THE EXISTING AND PROPOSED INGRESS/EGRESS IS TO DANVER STREET AND/OR SECTION LINE EASEMENT AS SHOWN.
4. THE PREFERRED BUFFERS ARE A COMBINATION OF 50' (OR GREATER) NATIVE VEGETATIVE BUFFERS AND 6' HIGH BERM.
5. WELLS WITHIN 100' AND/OR 300' OF THE EXCAVATION AREA ARE SHOWN HEREON. EXCAVATION BELOW WATER TABLE MAY BE PROPOSED AT A FUTURE TIME.
6. THERE IS MAPPED WETLAND AND SURFACE WATER, AS SHOWN, IN THE NORTHEAST CORNER OF THE PARCEL. PROPOSED EXCAVATION IS A MINIMUM OF 100' FROM WATERBODIES. THIS SURFACE WATER SETBACK WILL PROVIDE PROTECTION VIA PHYTOREMEDIATION OF ANY RUN-OFF PRIOR TO ENTERING THE SURFACE WATER.
7. GROUNDWATER IS ESTIMATED AT APPROXIMATELY 20' (AVERAGE) BELOW EXISTING EXCAVATION IN PROPOSED EXCAVATION AREAS. THIS ESTIMATE IS FROM TEST HOLE GRADED BY THE OWNER OR OTHER REPRESENTATIVES.
8. THE RECLAIMED AREA WILL BE GRADED AND RECONTOURED USING STRIPPINGS, OVERBURDEN AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION AND SLOPES STEEPER THAN 2:1 WILL BE SEEDED.
9. PROPOSED MATERIAL EXTRACTION INCLUDING STRIPPING WILL BE DONE IN INCREMENTALLY BEGINNING AT THE NORTHERN LIMITS, AS SHOWN, AND PROCEEDING SOUTHERLY AS MARKET FOR MATERIAL SALES JUSTIFIES. THE CENTRAL AREA WILL BE MAINTAINED AS A PROCESSING AND STAGING AREA.
10. PROPOSED PROCESS AREA IS SHOWN. A PROCESS WAIVER WILL BE REQUESTED FOR SEPARATION TO THE NORTH PROPERTY LINE.
11. THE PROPERTY CORNERS, WITNESS CORNERS, OR SECTION LINE EASEMENT WAS LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS AS SHOWN HEREON.
12. ALASKA DEC USER'S MANUAL, BEST MANAGEMENT PRACTICES FOR GRAVEL/ROCK AGGREGATE EXTRACTION PROJECTS PROTECTING SURFACE WATER AND GROUNDWATER QUALITY IN ALASKA, SEPTEMBER 2012 WILL BE UTILIZED AS A GUIDELINE TO REDUCE POTENTIAL IMPACTS TO WATER QUALITY



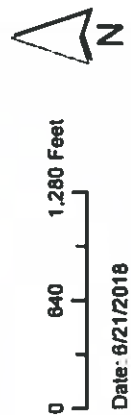


Parcel Number: 169-010-67  
 Applicant: Beachcomber LLC



# LEGEND

- Notification Area
- Subject Parcel
- Parcels selection 2



Date: 6/21/2018  
 The information depicted hereon is a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

## Wall, Bruce

---

**From:** Wall, Bruce  
**Sent:** Tuesday, July 10, 2018 2:26 PM  
**To:** 'susan@reevesamodio.com'  
**Subject:** Beachcomber - Wetlands map  
**Attachments:** 169-010-67\_2018-07-09\_Wetland\_Map.pdf

Susan,

I am not aware of a wetlands delineation being done on this property. In my visits to the property I did not observe any additional areas that would be considered wetlands by casual observation.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669

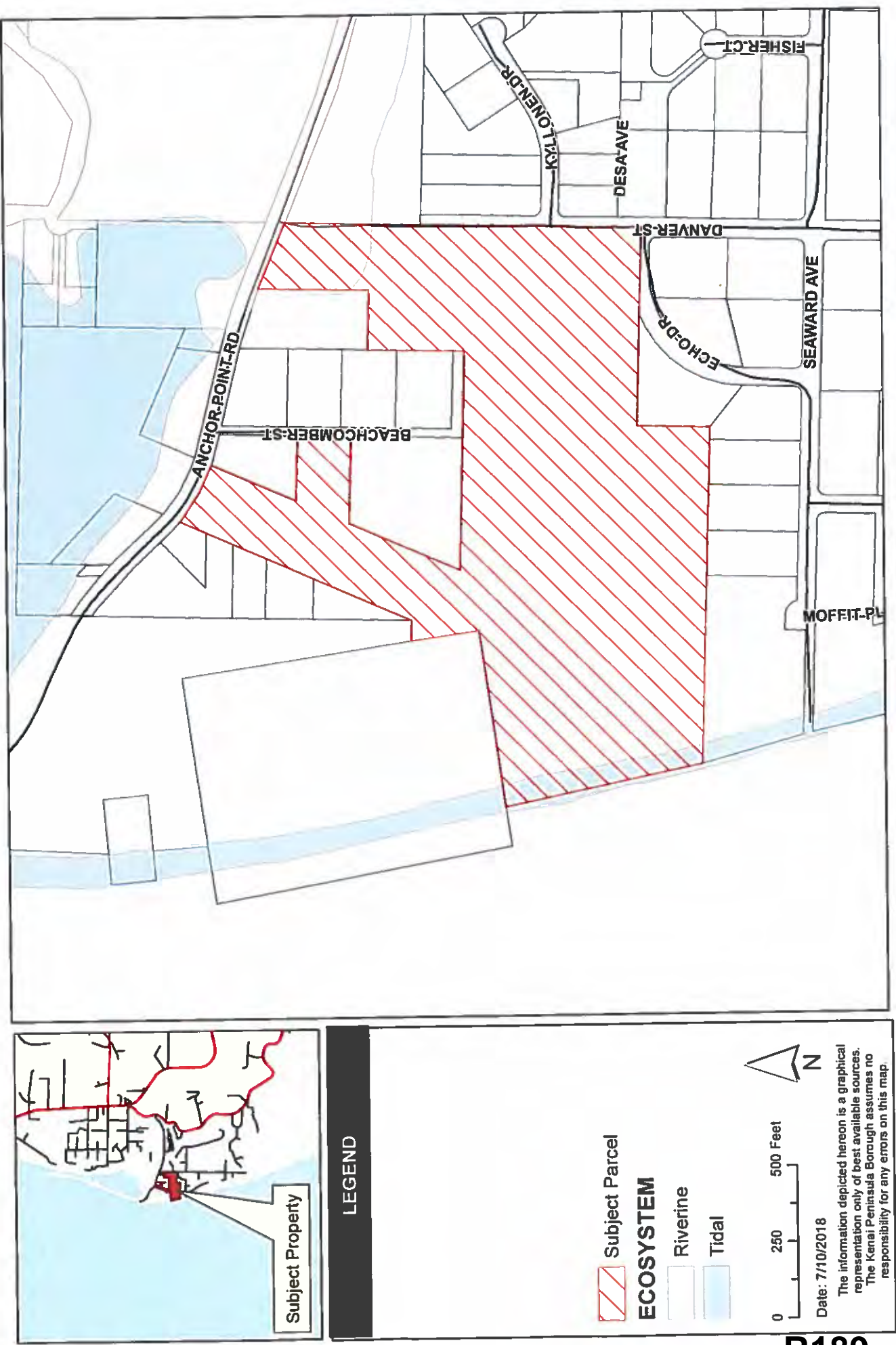


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Kenai Peninsula Borough Planning Commission Meeting, July 16, 2018  
Conditional Land Use Permit for a Material Site

Parcel Number: 169-010-67  
Applicant: Beachcomber, LLC



## Wall, Bruce

---

**From:** Wall, Bruce  
**Sent:** Monday, July 9, 2018 9:11 AM  
**To:** 'R. O. Baker II'  
**Subject:** RE: Beachcomber staff report and related documents  
**Attachments:** 169-010-67\_2018-06-19\_Notification\_List.pdf

Bob,

An email notification was sent to the following:

Ninilchik Traditional Council

Alaska DEC  
Alaska DNR  
Alaska Mental Trust  
Alaska Fish and Game  
Alaska DOT&PF

US Fish & Wildlife  
US Army Corp of Engineers  
US Dept. of Labor

Kenai Peninsula School District  
KPB Anadromous Waters Protections District  
KPB Floodplain Manager  
KPB Coastal Zone Management  
KPB Roads  
KPB Code Compliance  
Other KPB Legal & Planning staff

CIRCAC AND CIRI were not notified. If they would like to be notified of future material site application in the Borough please have them get in touch with me.

If there are additional people at ADEC that would like to be notified of future material site application in the Borough please have them get in touch with me.

Thanks,  
Bruce

**From:** R. O. Baker II [mailto:bobkleen@acsalaska.net]  
**Sent:** Monday, July 9, 2018 7:27 AM  
**To:** Wall, Bruce <bwall@kpb.us>  
**Cc:** mariedrinkhouse@yahoo.com  
**Subject:** RE: Beachcomber staff report and related documents

Hi Bruce,

Firstly, I hope that you had a pleasant holiday week!

Secondly, I have forwarded your email below onto counsel.

Thirdly, as the week unfolds you will continue to hear from me. A request, please. Would you furnish a list of all of those individuals and entities to whom you had your office send the Notice of Public Hearing. For example, several residents did not receive same and, entities such as CIRCAC, ADEC, and CIRI are unaware of the notice.

I look forward to hearing from you

Yours,

Bob

Sent from [Mail](#) for Windows 10

From: [Wall, Bruce](#)

Sent: Friday, July 6, 2018 5:27 PM

Subject: FW: Beachcomber staff report and related documents

From: Wall, Bruce

Sent: Friday, July 6, 2018 4:22 PM

To: 'eldon.overson12@gmail.com' <[eldon.overson12@gmail.com](mailto:eldon.overson12@gmail.com)>; 'twoshar@acsalaska.net' <[twoshar@acsalaska.net](mailto:twoshar@acsalaska.net)>; 'bobkleen@acsalask.net' <[bobkleen@acsalask.net](mailto:bobkleen@acsalask.net)>; 'anndotcalm@gmail.com' <[anndotcalm@gmail.com](mailto:anndotcalm@gmail.com)>

Subject: Beachcomber staff report and related documents

Bruce Wall, AICP

Planner

208-369-0089

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



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## Wall, Bruce

---

**From:** Wall, Bruce  
**Sent:** Wednesday, June 27, 2018 1:51 PM  
**To:** 'Hans'  
**Subject:** RE: Question about a conditional land use permit??

Hans,

Thank you for your email. I became aware that he was extracting material from his property a year or two ago. Somebody else contacted me a couple of months ago concerned about the extraction on this property. I visited the site both times and have determined that he is not in violation of the Borough code. The Borough code exempts extraction that disturbs less than an acre from the requirements to obtain a permit. I spoke to Emmitt Trimble about this in the past and I will continue to keep an eye on the property before and after he obtains a permit.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

**From:** Hans [mailto:catchalaska@gci.net]  
**Sent:** Wednesday, June 27, 2018 12:41 PM  
**To:** Wall, Bruce <bwall@kpb.us>  
**Subject:** Question about a conditional land use permit??

Hi Bruce,

My name is Hans Bilben and I live at 35039 Danver Street in Anchor Point. I want to find out if Emmitt Trimble (Beachcomber LLC) is in violation of Borough Code by selling gravel and transporting it from the parcel he owns on Danver Street. I believe he is! Emmitt has applied for a CLUP on this parcel and the hearing will be held on July 16th. I would certainly hope that his blatant disregard of the rules (which has always been his standard operating procedure) will be taken into consideration when reviewing his application. The pictures I have attached were taken today, July 27. You can see that he has hauled several hundred yards of material from the site, and has been doing so for several months, as recently as yesterday. I would appreciate hearing back from you on this matter. Thanks, Hans









## Wall, Bruce

---

**From:** Gina Debardelaben <ginadebar@mcclanecg.com>  
**Sent:** Thursday, June 21, 2018 10:08 AM  
**To:** Wall, Bruce; 'emmitttrimble@gmail.com'  
**Subject:** RE: Beachcomber LLC

Bruce,

You can expect revised submittal today to address the surface water protection.

Other items:

1. North boundary – you already sorted.
2. The Borough mapping is not correct. I knew you would ask, so we went through the plats/easements/re-tracing before submittal.
3. Process waiver. Although it is a large parcel, the configuration has limited potential process area. The waiver is requested to the north as 169-022-04 is owned by the applicant's daughter & 169-02-208 is not developed.
4. South buffer. It seems like a berm is the best option due to the limited vegetation at the south boundary. We could propose a higher berm but I'm not sure that makes sense either.

Revisions to follow....if my phone quits ringing. (I start this email 2 hours ago)

Thanks

Gina

Gina M. DeBardelaben, PE  
Principle  
McLane Consulting, Inc.  
P.O. Box 468; Soldotna, Alaska 99669  
907-283-4218 office  
907-398-8143 cell

**From:** Wall, Bruce [mailto:bwall@kpb.us]  
**Sent:** Thursday, June 21, 2018 8:58 AM  
**To:** Gina Debardelaben <ginadebar@mcclanecg.com>  
**Subject:** FW: Beachcomber LLC

Disregard this paragraph. Now that I looked at the plat ... it all makes sense to me.

I was unable to determine the north boundary along Anchor Point Road near Danver Street during my site visit. There were no stakes along Anchor Point Road except one on the south side of the road near the NW corner of that portion of the property, but it was marked as property line rather than property corner. There was also a stake on the north side of the road near the NE corner of the property but it did not appear to line up with the stakes along Danver Street and it was not labeled at all. I suspect that the Borough's mapping is incorrect in this case. Can you help me better understand the staking?

**From:** Wall, Bruce  
**Sent:** Wednesday, June 20, 2018 3:23 PM  
**To:** Gina Debardelaben; 'emmitttrimble@gmail.com'  
**Subject:** Beachcomber LLC

Gina,

KPB 21.29.030(A)(8)(i) states that the site plan must include the following:

Surface water protection measures for adjacent properties, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence; provide designs for substantial structures; indicate which structures will remain as permanent features at the conclusion of operations, if any;

I don't see this on the site plan. Am I overlooking something?

Parcel 169-022-08 is shown as abutting the subject parcel. The Borough's GIS shows it being separated by a portion of Parcel 169-022-04. Is the Borough mapping incorrect?

I was unable to determine the north boundary along Anchor Point Road near Denver Street during my site visit. There were no stakes along Anchor Point Road except one on the south side of the road near the NW corner of that portion of the property, but it was marked as *property line* rather than *property corner*. There was also a stake on the north side of the road near the NE corner of the property but it did not appear to line up with the stakes along Denver Street and it was not labeled at all. I suspect that the Borough's mapping is incorrect in this case. Can you help me better understand the staking?

The application is requesting a waiver of the 300-foot processing distance requirement. Because of recent feedback from the planning commission

I am undecided about how I will handle the request in my staff report.

The site plan and application proposes a 6-foot high berm along the south property line. However, some of the houses south of the property sit several feet higher than the subject property. It does not appear that the 6-foot high berms will provide sufficient visual and noise screening in some of these areas.

Thanks,

Bruce Wall, AICP  
Planner  
907-714-2206

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



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# PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA, }  
STATE OF ALASKA } SS:

Elizabeth A. Ulricksen being first duly sworn,  
on oath deposes and says:

That I am and was at all times here in this  
affidavit mentions, Supervisor of Legals of the  
Sound Publishing/Homer News, a newspaper of  
general circulation and published at Homer,  
Alaska, that the advertisement, a printed copy of  
which is hereto annexed was published in said  
paper on the dates listed below:

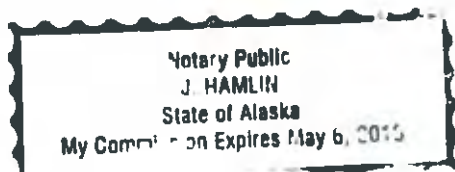
PHN: Beachcomber

July 5, 2018

X [Signature]  
SUBSCRIBED AND SWORN to me before  
this 11 day of July, 2018.

NOTARY PUBLIC in favor for the State of  
Alaska.

My commission expires May 6, 2019



**KENAI PENINSULA BOROUGH PLANNING COMMISSION**  
**NOTICE OF PUBLIC HEARING**  
Monday, July 16, 2018

Public notice is hereby given that a conditional land use permit application has been received for material extraction on a parcel in the Anchor Point area. The project under consideration are described as follows:

**Applicant / Lender:** Beachcomber LLC, Parcel #: 168-010-67, Legal Description: Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District. Location: 74185 Anchor Point Road.

**Proposed Land Use:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

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

**Public Hearing:** A hearing will be held by the KPB Planning Commission to consider the application on Monday, July 16, 2018, commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held in the assembly chambers of the borough administration building located at 144 N Binkley St, Soldotna.

**Public Comment:** Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99688. A statement addressed to the chairman may also be emailed to: [bwel@kpb.us](mailto:bwel@kpb.us). Please provide written statements by Friday July 13, 2018. Approved persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

The application and staff report will be available on the Planning Commission website a week prior to the meeting. For additional information or to obtain a copy of the application materials earlier, please call the planning department at (907) 714-2206, or 1-800-478-4441 (toll free within the Borough).

Bruce Weil, AUCP  
[bwel@kpb.us](mailto:bwel@kpb.us)  
2180344  
Pulaski Homer News, July 5, 2018

PLNG



Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, AK 99689

Invoice: 2160344

07/05/18	Legal - PHN Beachcomber	101.01
	EPntFee	2.50
	Affidavit	10.00
Total Due		\$113.51

**RECEIVED**  
JUL 19 2018  
KP  
FINANCE DEPT ACCOUNTING





## Planning Department

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

Charlie Pierce  
Borough Mayor

July 9, 2018

Postmaster  
33790 Sterling Hwy  
Anchor Point, AK 99556-9606

Enclosed is a notice for a public hearing. Kenai Peninsula Borough Ordinance (21.25.060) requires that notice of public hearings for Conditional Land Use Permits be posted in the post office of the impacted community.

Can you post this for me in the Anchor Point Post Office?

Thanks,

Bruce Wall, AICP  
Planner  
bwall@kpb.us



## Planning Department

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

Charlie Pierce  
Borough Mayor

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

Public notice is hereby given that a conditional land use permit application has been received for material extraction on a parcel in the **Anchor Point** area. This notice is being sent to landowners located within ½ mile of the subject properties. All members of the public are invited to comment. The projects under consideration are described as follows:

**Applicant:** Beachcomber LLC

**Landowner:** Beachcomber LLC

**Parcel Number:** 169-010-67

**Legal Description:** Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.

**Location:** 74185 Anchor Point Road

**Proposed Land Use:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

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

**Public Hearing:** A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday, July 16, 2018**, commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held in the assembly chambers of the borough administration building located at 144 N Binkley St, Soldotna.

**Public Comment:** Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99669. A statement addressed to the chairman may also be emailed to: [bwall@kpb.us](mailto:bwall@kpb.us). Please provide written statements by Friday July 13, 2018. Aggrieved persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

The application and staff report will be available on the Planning Commission website a week prior to the meeting. For additional information or to obtain a copy of the application materials earlier, please call the planning department at (907) 714-2206, or 1-800-478-4441 (toll free within the Borough).

Bruce Wall, AICP  
Planner

## Wall, Bruce

---

**From:** Wall, Bruce  
**Sent:** Friday, July 6, 2018 9:34 AM  
**To:** Hartley, Patricia  
**Subject:** FW: KPB CLUP Material Site Application - Parcel 169-010-67  
**Attachments:** 169-010-67\_2018-07-06\_Notice.pdf; 169-010-67\_2018-07-03\_Staff\_report.pdf; 169-010-67\_2018-06-21\_Site\_Plan.pdf; 169-010-67\_2018-06-18\_Application.pdf; 169-010-67\_2018-06-21\_Contour\_Map.pdf; 169-010-67\_2018-06-21\_Land\_Use\_Map.pdf; 169-010-67\_2018-06-21\_Ownership\_Map.pdf; 169-010-67\_2018-06-21\_Aerial\_Map.pdf; 169-010-67\_2018-07-03\_Staff\_report.doc

**From:** Wall, Bruce  
**Sent:** Friday, July 6, 2018 9:34 AM  
**To:** Best, Max <MBest@kpb.us>; Carver, Nancy <ncarver@kpb.us>; 'CEPOA-RD-KFO, POA' <CEPOA-RD-Kenai@usace.army.mil>; 'Chandler Long (chandler.long@alaska.gov)' <chandler.long@alaska.gov>; 'Charley Palmer (charley.palmer@alaska.gov)' <charley.palmer@alaska.gov>; 'Christopher Miller (chris.miller@alaska.gov)' <chris.miller@alaska.gov>; 'Clark Cox (clark.cox@alaska.gov)' <clark.cox@alaska.gov>; 'David May (DMay@kpbsd.k12.ak.us)' <DMay@kpbsd.k12.ak.us>; Dearlove, Tom <tdearlove@kpb.us>; 'Dustin Firestine (firestine.dustin@dol.gov)' <firestine.dustin@dol.gov>; Harris, Bryr <bharris@kpb.us>; 'Jeff Green (jeffrey.green@alaska.gov)' <jeffrey.green@alaska.gov>; 'Kyle Graham' <kyle\_graham@fws.gov>; 'Malone, Patrick' <PMalone@borough.kenai.ak.us>; 'Mark Fink (mark.fink@alaska.gov)' <mark.fink@alaska.gov>; 'Michael Walton (michael.walton@alaska.gov)' <michael.walton@alaska.gov>; 'Montague, Holly' <HMont@borough.kenai.ak.us>; 'Mueller, Marcus' <MMueller@borough.kenai.ak.us>; 'Ninilchik Tribe (ntc@ninilchiktribe-nns.gov)' <ntc@ninilchiktribe-nns.gov>; Noyes, Karyn <KNoyes@kpb.us>; Shears, Jennifer <jshears@kpb.us>; 'Simpson, Danika L (DOT)' <danika.simpson@alaska.gov>  
**Cc:** Gina Debardeleben <ginadebar@mclanecg.com>; 'emmitttrimble@gmail.com' <emmitttrimble@gmail.com>  
**Subject:** KPB CLUP Material Site Application - Parcel 169-010-67

Please see the attached public notice, staff report, application, and associated documents for a conditional land use permit application.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

## Members:

Best, Max  
Carver, Nancy  
CEPOA-RD-KFO, POA  
Chandler Long (chandler.long@alaska.gov)

Charley Palmer (charley.palmer@alaska.gov)

Christopher Miller (chris.miller@alaska.gov)

Clark Cox (clark.cox@alaska.gov)  
David May (DMay@kpbsd.k12.ak.us)  
Dearlove, Tom  
Dustin Firestine (firestine.dustin@dol.gov)

Harris, Bryr  
Jeff Green (jeffrey.green@alaska.gov)

KPB Road Service Area  
Kyle Graham  
Mark Fink (mark.fink@alaska.gov)  
Michael Walton (michael.walton@alaska.gov)

Montague, Holly  
Mueller, Marcus  
Ninilchik Tribe (ntc@ninilchiktribe-nsn.gov)

Noyes, Karyn  
Shears, Jennifer  
Simpson, Danika L (DOT)

MBest@kpb.us  
ncarver@borough.kenai.ak.us  
CEPOA-RD-Kenai@usace.army.mil

chandler.long@alaska.gov

charley.palmer@alaska.gov

chris.miller@alaska.gov  
clark.cox@alaska.gov  
DMay@kpbsd.k12.ak.us  
tdearlove@borough.kenai.ak.us

firestine.dustin@dol.gov  
bharris@kpb.us

jeffrey.green@alaska.gov  
roads@kpb.us  
kyle\_graham@fws.gov  
mark.fink@alaska.gov

michael.walton@alaska.gov  
HMont@borough.kenai.ak.us  
MMueller@borough.kenai.ak.us

ntc@ninilchiktribe-nsn.gov  
KNoyes@kpb.us  
jshears@kpb.us  
danika.simpson@alaska.gov

**Wall, Bruce**

---

**Contact Group Name:**

**Material Site Notice**



First Name	Last Name	Company	Job Title	Business Street	Business City
Chandler	Long	Department of Natural Resources	Natural Resource Specialist II	Division of Mining, Land & Water-	Anchorage
Charley	Palmer	Environmental Conservation	Hydrologist III	555 Cordova St	Anchorage
Christopher	Miller	Environmental Conservation	Environ Program Spec IV	555 Cordova St	Anchorage
Clark	Cox	Alaska Dept of Natural Resources	Natural Resource Mgr II	550 W 7th Ave Ste 900c	Anchorage
Danika	Simpson	Alaska Dept of Transportation & PF	Right of Way Agent	PO Box 196900	Anchorage
David	May	Kenai Peninsula Borough School District	Planning and Operations Director		
Dustin	Firestine	U.S. Department of Labor			
Jeff	Green	Alaska Mental Health Trust Land Office	Southcentral Lands Manager	Mine Safety and Health 2600 Cordova Street, Suite 100	Anchorage Anchorage
Kyle	Graham				
Mark	Fink	Fish and Game	Habitat Biologist IV	333 Raspberry Road	Anchorage
Michael	Walton	Alaska Dept of Natural Resources Ninilchik Tribe	Natural Resource Mgr II	550 W 7th Ave Ste 1020 P.O. Box 39070	Anchorage Ninilchik

OWNER	ATTENTION	ADDRESS	CITYSTATEZIP
AARON BRIAN K		PO BOX 5511	CHINIAK, AK 99615
ABBOTT RYAN E		PO BOX 3479	CHAPEL HILL, NC 27515
AKEE BRITTNAY		PO BOX 514	ANCHOR POINT, AK 99556
ALASKA STATE D N R		550 W 7TH AVE STE 650	ANCHORAGE, AK 99501
ALASKA STATE PARKS DIVISION		550 W 7TH AVE STE 1380	ANCHORAGE, AK 99501
ALEXANDER THOMAS		785 CASCADE CT	PALMER, AK 99645
ALLEN DANIEL J		PO BOX 1463	ANCHOR POINT, AK 99556
ALLEN LEE D & CHARLOTTE A		9101 E MILE 6 RD	PALMER, AK 99645
ANCHOR RIVER RV LLC	DAVID DRIGGERS	PO BOX 745	ANCHOR POINT, AK 99556
ANDERSON MELISSA L & JOHN S Jr		PO BOX 1466	ANCHOR POINT, AK 99556
AURORA SMC INC	STEVEN & MICHELLE CROPEY	1960 E AGUA VIEW RD	MOHAVE VALLEY, AZ 86440
BAIR FRED D		1227 ALDER AVE TRLR 44	LEWISTON, ID 83501
BAKER R O II REVOCABLE TRUST	ROBERT O BAKER II TRUSTEE	PO BOX 870	ANCHOR POINT, AK 99556
BALLAND D THOMAS		66437 OUT THERE AVE	ANCHOR POINT, AK 99556
BANKS JEAN L		PO BOX 127	ANCHOR POINT, AK 99556
BARNETT MARY JO		PO BOX 2782	HOMER, AK 99603
BARTLETT DOUGLAS C		PO BOX 670162	CHUGIAK, AK 99567
BARTLEY INVESTMENTS LLC		PO BOX 147	EUREKA, NV 89316
BEACHCOMBER LLC		PO BOX 150	ANCHOR POINT, AK 99556
BEASLEY ALAN		PO BOX 311	ANCHOR POINT, AK 99556
BELLAMY LEHUA NANI M		3801 JAMES DR	ANCHORAGE, AK 99504
BERKBIGLER WILLIAM J		2313 W TUDOR RD	ANCHORAGE, AK 99517
BILBEN HANS & JEANNE		PO BOX 1176	ANCHOR POINT, AK 99556
BLAIR GERALD A TRUST		PO BOX 978	ANCHOR POINT, AK 99556
BLISS GORDON A & ELIZABETH A		3415 HOLLYWOOD AVE	MEDFORD, OR 97501
BLOCK 16 LLC		395 E SUNSET RD	LAS VEGAS, NV 89119
BODDE BRAD & MARY		25245 CRYSTAL CREEK DR	EAGLE RIVER, AK 99577
BRANTLEY MICHAEL JOHN LIVING TRUST		7764 BOUNDARY AVE	ANCHORAGE, AK 99504
BRATCHER EDITH BERNICE		6214 BIG HOUSE RD	BLACKSHEAR, GA 31516
BREESE DONALD N		35090 OLD STERLING HWY	ANCHOR POINT, AK 99556
BREZINA STEPHEN D		12012 SWEETWATER CIR UNIT B	EAGLE RIVER, AK 99577
BRINCKERHOFF SCOTT & DONNA E		269 PLAINS RD	HADDAM, CT 06438
BRNA PHILIP J		5601 E 98TH AVE	ANCHORAGE, AK 99507
BROOK THOMAS J		PO BOX 39004	NINILCHIK, AK 99639
CANNON JAMES E		PO BOX 886	ANCHOR POINT, AK 99556
CARLSON STANLEY D & BECKY ANN		4002 E SUMAC DR	SPOKANE, WA 99223
CARLTON RICHARD D		722 W 45TH AVE	KENNEWICK, WA 99337
CARTER HAROLD J		3492 LARK RDG	WAYCROSS, GA 31503
CATHEY SHYAN		PO BOX 1066	ANCHOR POINT, AK 99556
CATLIN DEANNA C		PO BOX 34	ANCHOR POINT, AK 99556
CHICARELL DONALD L & EDNA M		211 RHODODENDRON DR	SEQUIM, WA 98382
CLINE ANN G AND RICHARD L LEGACY TRUST		61 TRILLIUM TRL	UNDERWOOD, WA 98651
CNUDE MATTHEW		10046 W RHETT ST	BOISE, ID 83709
COBURN JAMES		1112 COLONIAL DR	KENAI, AK 99611
COMBS ROGER		2560 FRUITVALE GLENDALE RD	FRUITVALE, ID 83612
COX CHARLES B		905 RICHARDSON VISTA RD APT 37	ANCHORAGE, AK 99501
CULLIP GARY L & SANDRA L		1523 SW 58TH LN	CAPE CORAL, FL 33914
C-VIEW CABINS LLC		38797 FRITZ CREEK VALLEY DR	HOMER, AK 99603
DEAL THOMAS W		1200 W DIMOND BLVD SPC 905	ANCHORAGE, AK 99515
DESTEXHE ELEONORE	22 PLUVIER LANN	1933 STERREBEEK	BELGIUM
DITTON ROBERT L & CHARLENE R		PO BOX 601	HOMER, AK 99603
DRINKHOUSE MARIE L		5949 S HAYFIELD RD	WASILLA, AK 99623
DUKE PHILIP B & TOMOKO		19809 EAGLE RIVER RD	EAGLE RIVER, AK 99577
DUNCAN BRYAN & CAVALIER NICOLE		PO BOX 1436	ANCHOR POINT, AK 99556
DUNCAN CHARLES M LIVING TRUST		911 JAYME CT	ANCHORAGE, AK 99518
DURAN BILLIE F & LANE FRED H		PO BOX 1417	ANCHOR POINT, AK 99556
EDELEN H C		13840 HIGHWAY PP	NEW HARTFORD, MO 63359
EHMEN JARED		1926 MAPLEWOOD DR	CEDAR FALLS, IA 50613
ELLISON JEFFREY S		PO BOX 569	ANCHOR POINT, AK 99556
ELMALEH JOSHUA L		PO BOX 542	ANCHOR POINT, AK 99556
ENGLISHBEE VIRGIL W LIVING TRUST		PO BOX 201	ANCHOR POINT, AK 99556
FAULK SAMANTHA		12641 FOSTER RD	ANCHORAGE, AK 99516
FINNEY PAUL G & SUANNE Y		1588 HILLSIDE PL	HOMER, AK 99603
FIRTH BENJAMIN A		1802 GOLF COURSE RD	LITTLETON, NC 27850

FLEMING LEON R  
FOUSEL SKIP  
FUGITT DEBORAH  
GIRTON JOHN & BARBARA  
GO FOR IT  
GORDON GARY & PAMELA  
GORMAN FAMILY TRUST  
GORMAN MICHAEL LEE  
GREGOR FORREST E & WILMA J  
GREGORY DAVID DEAN  
Gregory Krier  
HABER MCKENZY SAGE  
HALEY KATHLEEN  
HART STEVEN E  
HARTVIGSEN RICHARD M  
HENDERSHOT SANDY  
HENDRIKS JERRY L & RITA D  
HERBST BRIAN  
HERBST GREGORY J  
HERRICK JOHN B & JOAN A COMMUNITY PROPERTY TRUST  
HIBBERT KIM  
HIBBERT KIM O  
HOLMES NATHAN W J  
HORTON DONALD LEE Jr  
HOUGLUM HOWARD & ELIZABETH  
HOUGLUM JOHN  
HOZA ANTHONY J FAMILY TRUST  
ISELL CAROLYN YORK  
ISENHOUR LAUREN  
JENKINS GINGER N  
JENSEN JAY F  
JERMAIN JANE B  
JOHNSON EDWIN D & DENISE  
JOHNSON JANET R  
JORGENSEN JUDY LOUISE  
JOSLYN SEAN A  
KEEFER DONALD C & VICKI T  
KENAI PENINSULA BOROUGH  
KENAI-TRUST  
KLOBERDANZ THOMAS W  
KOCH DOUGLAS A & VALERIE D  
KYLONEN H V  
LANZ STEPHEN H  
LARSON ERIC & MONICA  
LAWRENCE KATHY M  
LEIGHTY ROBIN L & JONES MICHAEL A  
LEWIS DARRELL L & CAROLYN FRANCES  
MADSEN MARCY  
MANSEER HOWARD TRUST  
MAPSTON DAVID AND LADONNA LIVING TRUST  
MARKS DALE L & CHARLENE L  
MARSH MICHAEL J & LILY A  
MATTER BERNADINE R  
MAXWELL BRIAN MONTGOMERY LIVING TRUST  
MCCURLEY FRANK J Jr  
MCGAW HELEN G  
MCVEE CURTIS V REVOCABLE TRUST DECLARATION  
MEADS ALFRED TRUST  
MIKESSELL JAMES DAVID  
MILLARD DANIEL C  
MILLER ROBERT E  
MISHLER LINDA J  
MORINO PAUL  
MUNSELL GEORGE R III & CYNTHIA J  
MYERS BRANDON

Vickey Hodnik

DIANNE JENNINGS-TRUSTEE

C/O KYLLONEN ENTERPRISES

BRIAN MAXWELL

13943 W KNIGHTS DR  
860 W PLACITA DOS LOMAS  
PO BOX 1454  
PO BOX 869  
33881 STERLING HWY  
PO BOX 876130  
PO BOX 1239  
4 TOOMEY CIR  
PO BOX 169  
PO BOX 904  
PO Box 1836  
PO BOX 2429  
PO BOX 1194  
4008 W LANE AVE  
2339 N 1000 E  
1508 BUMBLEBEE AVE  
PO BOX 709  
959 MILAM HEIGHTS RD  
244 COATES RD  
PO BOX 87  
13020 GALVESTON CIR  
2940 WESTWIND CT  
10 DORMAN RD  
221 ELLEN CIR  
PO BOX 1379  
PO BOX 1336  
PO BOX 1177  
2333 TIMOTHY DR  
PO BOX 317  
3126 W 80TH AVE  
PO BOX 447  
PO BOX 292  
PO BOX 3244  
4915 NE TOLO RD  
PO BOX 1352  
PO BOX 34492  
12231 KINLIEN CIR  
144 N BINKLEY ST  
~~PO BOX 895~~  
PO BOX 330  
PO BOX 554  
PO BOX 49  
3531 W 80TH AVE  
2208 LINCOLN AVE  
PO BOX 403  
PO BOX 91865  
18231 SANCTUARY DR  
PO BOX 1104  
PO BOX 1091  
13900 MULLIGAN RD  
PO BOX 875035  
1564 CACHE DR  
140 CARLSON PKWY APT 220  
1001 S ANDERSON ST  
12531 TURKS TURN ST  
PO BOX 1286  
1601 BAYLOR WAY  
170 PETTIS RD  
PO BOX 772  
2266 PANORAMA WAY W  
PO BOX 7088  
PO BOX 2193  
7360 WHITE HAWK DR  
PO BOX 596  
371 OBANNON AVE

WASILLA, AK 99623  
TUCSON, AZ 85704  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
STERLING, AK 99672  
WASILLA, AK 99687  
ANCHOR POINT, AK 99556  
BURLINGTON, MA 01803  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
HOMER, AK 99603  
HOMER, AK 99603  
STERLING, AK 99672  
PHOENIX, AZ 85051  
LEHI, UT 84043  
KENAI, AK 99611  
ANCHOR POINT, AK 99556  
WATERLOO, SC 29384  
INMAN, SC 29349  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99516  
ANCHORAGE, AK 99516  
CAMPOBELLO, SC 29322  
ANCHORAGE, AK 99515  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
HOMER, AK 99603  
COOKEVILLE, TN 38506  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99502  
PAULDEN, AZ 86334  
INDEX, WA 98256  
SEWARD, AK 99664  
BAINBRIDGE ISLAND, WA 98110  
ANCHOR POINT, AK 99556  
JUNEAU, AK 99803  
ANCHORAGE, AK 99516  
SOLDOTNA, AK 99669  
~~MINDEN, NV 89423-0895~~  
WAPITI, WY 82450  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99502  
ANCHORAGE, AK 99517  
HEALY, AK 99743  
ANCHORAGE, AK 99509  
EAGLE RIVER, AK 99577  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99516  
WASILLA, AK 99687  
ANCHORAGE, AK 99507  
MINNETONKA, MN 55305  
TACOMA, WA 98405  
ANCHORAGE, AK 99516  
HOMER, AK 99603  
ANCHORAGE, AK 99508  
ANCHORAGE, AK 99515  
ANCHOR POINT, AK 99556  
GUNTERSVILLE, AL 35976  
OCEAN VIEW, HI 96737  
HOMER, AK 99603  
ANCHORAGE, AK 99507  
ANCHOR POINT, AK 99556  
NEWARK, OH 43055

NELSON ROBERT W & KERRY E  
NORCROSS JAMES H II  
OLIVER LAWRENCE R  
ORCUTT BETTE L  
ORCUTT STEPHEN  
OSBORNE DONALD G & VIVIAN A  
OVERSON ELDON  
PALAKOVICH JOHN N  
PARKER MICHAEL H  
PARKINSON STANLEY KIRT Jr  
PATRICK WILLIAM M & LINDA M  
PETERSON FRANK R  
PETRIE JOAN A  
POINDEXTER DUSTIN  
POLLOCK JOHN MARK  
PRITCHARD CHARLES E & REBECCA A  
REID JIM & SUSAN  
RELAXING TRUST  
REYES RAMON VICENTE  
RICHARDSON WILLIAM CLAIRE  
RICHTER FRANCIS J  
ROLAND ANGELA  
SCHLOTT ALFRED O Jr  
SCHMIDT KATHERINE A  
SEAWARD DAVID CHULE  
SGLK LIVING TRUST  
SHAFFER RONALD A & CHARLOTTE M  
SHERIDAN GARY L & EILEEN D  
SHOWALTER GLEN  
SILVER KING CAMP ASSOCIATION  
SIMONDSER ERIC  
SLATER CAROL A  
SLUSHER TERRY L  
SMITH CHAD  
SMITH FRANK R & KAZUKO  
SPARKMAN JOSEPH J & DENISE  
STAMPS DOUGLAS  
STAREGOWSKI VINCENT F Jr  
STERLING TRUST CO CUSTODIAN FBO MICHAEL J TONER  
STRONG KIMBERLY L & JOHNSON ERIC W  
SWICK KENNETH A Jr  
SWISHER BRIAN  
SYME DANIEL R  
TALLMAN PAUL  
TESAR DAVID J & BONITA G  
THOMPSON KRETA JO  
THOMPSON RUTH E  
THOMPSON STEVEN P  
THOMSON JOHN J & LAURA E  
TIGERT ALLEN  
TOURANGEAU WAYNE  
TRIMBLE EMMITT & MARY JOINT REVOCABLE TRUST  
TRUITT JOHN W  
TUSTIN CLARK PAGE  
UDELHOVEN JAMES  
UNITED STATES BLM  
UYEMA STANLEY K & MARY N  
VANHAUWAERT MARC  
VARNER ALLEN J & UNSOON  
VINCENT MICHAEL T & TAMI D  
VROMAN ROBERT H REVOCABLE TRUST  
WARREN WILLIAM F  
WARTBURG MICHAEL G  
WASLER ANN M & PETERSON ROY S  
WASLER ANN M & STACIE A

22 PLUVIER LANN

PO BOX 205  
PO BOX 3676  
PO BOX 1444  
PO BOX 39243  
PO BOX 39222  
7009 WARFIELD PL  
PO BOX 1318  
622 MAIN ST  
PO BOX 201407  
PO BOX 1446  
PO BOX 335  
29492 RIDGE RD  
11438 UPPER SUNNY CIR  
PO BOX 1163  
535 MOREMEN RD  
10750 COUNTY ROAD 204  
PO BOX 85  
17255 E RELAXING RD  
PO BOX 1418  
PO BOX 1325  
PO BOX 532  
4014 BEN WALTERS LN APT C6  
PO BOX 98  
PO BOX 39273  
912 E 6TH AVE  
13701 ERVIN RD  
24044 ALPENGLOW DR  
PO BOX 661  
PO BOX 7  
PO BOX 242491  
PO BOX 1186  
1143 BAINBRIDGE BLVD  
40 ANTLER CT  
49 JESSE CT  
2067 CRATAEGUS AVE  
PO BOX 767  
420 SCORPIO CIR  
3705 ARTIC BLVD  
2309 GREEN MEADOWS WAY  
8521 FLAMINGO DR  
PO BOX 112  
PO BOX 24  
PO BOX 1457  
1211 KAHIKOA RD  
PO BOX 871567  
111 PAULA ST  
3742 W 79TH AVE  
PO BOX 310  
1618 W PARK AVE  
1192 GLEN ASPEN DR  
PO BOX 197  
PO BOX 193  
1430 DAHLIA ST  
PO BOX 1083  
PO BOX 126  
222 W 7TH AVE STOP 13  
1623 KALAUPO ST  
1933 STERREBEEK  
12051 FORELANDS CIR  
52901 HOYT LN  
PO BOX 466  
PO BOX 906  
PO BOX 849  
6983 E SHORECREST DR  
6983 E SHORECREST DR

KASILOF, AK 99610  
HOMER, AK 99603  
ANCHOR POINT, AK 99556  
NINILCHIK, AK 99639  
NINILCHIK, AK 99639  
ANCHORAGE, AK 99502  
ANCHOR POINT, AK 99556  
ANACONDA, MT 59711  
ANCHORAGE, AK 99520  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
SAN JUAN CAPISTRANO, CA 92675  
EAGLE RIVER, AK 99577  
ANCHOR POINT, AK 99556  
BRANDENBURG, KY 40108  
DE BEQUE, CO 81630  
EVERGLADES CITY, FL 34139  
PALMER, AK 99645  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
HOMER, AK 99603  
SELDOVIA, AK 99663  
NINILCHIK, AK 99639  
ANCHORAGE, AK 99501  
ANCHORAGE, AK 99516  
EAGLE RIVER, AK 99577  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99524  
ANCHOR POINT, AK 99556  
FAIRBANKS, AK 99701  
SEQUIM, WA 98382  
TAYLORS, SC 29687  
ANCHORAGE, AK 99508  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99508  
ANCHORAGE, AK 99503  
ASHLAND, OR 97520  
ANCHORAGE, AK 99502  
SELDOVIA, AK 99663  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
HAIKU, HI 96708  
WASILLA, AK 99687  
KENAI, AK 99611  
ANCHORAGE, AK 99502  
ANCHOR POINT, AK 99556  
ANACONDA, MT 59711  
BELLEVUE, ID 83313  
ANCHOR POINT, AK 99556  
ANCHOR POINT, AK 99556  
DENVER, CO 80220  
ANCHOR POINT, AK 99556  
KASILOF, AK 99610  
ANCHORAGE, AK 99513  
PEARL CITY, HI 96782  
BELGIUM  
ANCHORAGE, AK 99515  
KENAI, AK 99611  
PALMER, AK 99645  
KENAI, AK 99611  
ANCHOR POINT, AK 99556  
ANAHEIM, CA 92807  
ANAHEIM, CA 92807

WEISEL KEVIN  
WELSH ALAN  
WHITMORE NATHAN LYNN  
WIERSUM KIM  
WILLIAMS DEBORAH A  
WILSON RONALD GARY & THOMAS ROBERT STERLING  
YALE MARK M  
YOUNG ROBERT D & TRUDY M

785 MOSQUITO LN SW  
13020 FOSTER RD  
PO BOX 355  
2808 244TH AVE SE  
3041 RIVERWOOD DR  
9902 PACIFIC AVE  
74140 SEAWARD AVE  
1120 HUFFMAN RD STE 24

ALEXANDRIA, MN 56308  
ANCHORAGE, AK 99516  
ANCHOR POINT, AK 99556  
SAMMAMISH, WA 98075  
JUNEAU, AK 99801  
ANAHEIM, CA 92804  
ANCHOR POINT, AK 99556  
ANCHORAGE, AK 99515



**Wall, Bruce**

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**From:** Wall, Bruce  
**Sent:** Monday, July 30, 2018 10:02 AM  
**To:** 'markyale2001@yahoo.com'  
**Subject:** NOD  
**Attachments:** Yale from 169-010-67\_2018-07-24\_Merged\_Notice\_of\_Decision.pdf

I have updated your contact information to PO Box 429. The Borough clerk will mail your notice of appeal to the updated address.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

**Wall, Bruce**

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**From:** Wall, Bruce  
**Sent:** Monday, July 30, 2018 12:59 PM  
**To:** 'homerdental@homernet.net'  
**Subject:** NOD  
**Attachments:** Hodnik 169-010-67\_2018-07-24\_Merged\_Notice\_of\_Decision.pdf

This mailing was returned. Future correspondence on this matter will be sent to your PO box in Homer.

Bruce Wall, AICP  
Planner  
208-369-0089

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

**Wall, Bruce**

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**From:** Wall, Bruce  
**Sent:** Monday, July 30, 2018 1:04 PM  
**To:** 'Biocharalaska@gmail.com'  
**Subject:** NOD address  
**Attachments:** Kinneen 169-010-67\_2018-07-24\_Merged\_Notice\_of\_Decision-2.pdf

Pete,

Please supply me with your mailing address. This notice was returned as undeliverable.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

**KENAI PENINSULA BOROUGH**  
144 North Binkley Street  
Soldotna, Alaska 99669



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

**Wall, Bruce**

---

**From:** Wall, Bruce  
**Sent:** Monday, July 30, 2018 1:24 PM  
**To:** 'shirleytdx@yahoo.com'  
**Subject:** NOD  
**Attachments:** Gruber 169-010-67\_2018-07-24\_Merged\_Notice\_of\_Decision-3.pdf

This was returned to us as undeliverable. Please provide me with your email address for future correspondence on this matter.

Thanks,

Bruce Wall, AICP  
Planner  
208-369-0089

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



**PUBLIC RECORDS LAW DISCLOSURE:** This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.



**KENAI PENINSULA BOROUGH**  
144 N. BINKLEY ST. • SOLDOTNA, ALASKA • 99669-7520

July 24, 2018

SPARKMAN JOSEPH J & DENISE  
73884 SEAWARD AVE  
ANCHOR POINT, AK 99556

99669-7520



**KENAI PENINSULA BOROUGH**  
144 N. BINKLEY ST. • SOLDOTNA, ALASKA • 99669-7520

July 24, 2018

DAN & CATHY MILLARD  
35060 DAVNER ST  
ANCHOR POINT, AK 99556

99669-7520



U.S. POSTAGE  
ZIP 99669 \$000.47  
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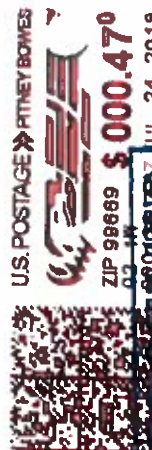
JUL 30 2018

KENAI PENINSULA BOROUGH  
PLANNING DEPARTMENT

NIXIE 995 DE 1 0007/27/18

RETURN TO SENDER  
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BC: 99669752044 \*1989-06154-25-01



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JUL 30 2018

KENAI PENINSULA BOROUGH  
PLANNING DEPARTMENT

NIXIE 995 DE 1 0007/27/18

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**KENAI PENINSULA BOROUGH**  
144 N. BINKLEY ST. • SOLDOTNA, ALASKA • 99669-7520

July 24, 2018

**TODD BAREMAN**  
74294 ANCHOR POINT RD  
ANCHOR POINT, AK 99556

99669-7520  
99669-7520



**KENAI PENINSULA BOROUGH**  
144 N. BINKLEY ST. • SOLDOTNA, ALASKA • 99669-7520

July 24, 2018

**SHIRLEY GRUBER**  
73510 TWIN PEAKS LP  
ANCHOR POINT, AK 99556

99669-7520  
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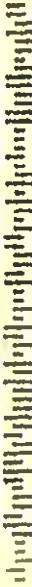
JUL 30 2018

KENAI PENINSULA BOROUGH  
PLANNING DEPARTMENT

NIXIE 993 DE 1 0007/27/18

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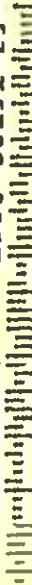
JUL 30 2018

KENAI PENINSULA BOROUGH  
PLANNING DEPARTMENT

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July 24, 2018

PETE KINNEEN  
34969 DANVER ST  
ANCHOR POINT, AK 99556

U.S. POSTAGE  PITNEY BOWES

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996697520

BC: 966975204 #1989-06134-25-01



July 24, 2018

YALE MARK & LEE  
74140 SEAWARD AVE  
ANCHOR POINT, AK 99556

U.S. POSTAGE  PITNEY BOWES

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IF MAILED  
IN THE  
UNITED STATES

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BC: 9966975204 \*1989-06159-23-01



**KENAI PENINSULA BOROUGH**  
144 N. BINKLEY ST. • SOLDOTNA, ALASKA • 99689-7520

July 24, 2018

VICKEY HODNIK  
35031 MOFFIT LN  
ANCHOR POINT, AK 99556

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**RECEIVED**  
JUL 30 2018  
KENAI PENINSULA BOROUGH  
PLANNING DEPARTMENT

NIXIE 995 DE 1 0007/27/18  
RETURN TO SENDER  
NO MAIL RECEIPT  
UNABLE TO FORWARD  
BC: 99669752044 \*1989-06166-25-01



**Wall, Bruce**

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**From:** Steve Thompson <stevethompson1961@yahoo.com>  
**Sent:** Saturday, July 7, 2018 9:07 PM  
**To:** Wall, Bruce  
**Subject:** Proposed gravel pit , Anchor Point

Dear Mr. Walls , This letter to you is to let you know that I am against the proposed gravel pit , just off Denver street in the Anchor Point area. This gravel pit will ruin what is currently a beautiful view of the inlet and the land leading up to the beach. It is also in close proximity to the river as well as the beach. The noise and dust this pit will create would not be too pleasant. This is primarily a residential area , and I would think that this land would be put to better use as future homesites. I've seen some of the other gravel pits on the peninsula and most of them aren't located right in the middle of residential area's. I am currently out at work and am not scheduled to be off until the 19th. So , unfortunately can't attend the meeting.

sincerely yours: Steve Thompson (resident)@34900 Denver St. Anchor Point , Alaska 99556  
Ph#907-306-6690 work#907-754-6016

Omitted from the Planning Commission Packet



# **PLANNING COMMISSION**

## **MINUTES**

**JULY 16, 2018**

KENAI PENINSULA BOROUGH PLANNING COMMISSION  
ASSEMBLY CHAMBERS  
GEORGE A. NAVARRE ADMINISTRATION BUILDING  
144 NORTH BINKLEY STREET  
SOLDOTNA, ALASKA 99669

July 16, 2018 - 7:30 P.M.

UNAPPROVED MINUTES

AGENDA ITEM A.      CALL TO ORDER

Chairman Martin called the meeting to order at 7:54 p.m.

AGENDA ITEM B.      ROLL CALL

*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

With 9 members of a 13-member Commission in attendance, a quorum was present.

*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 & Jeanne Bilben  
Gerald Blair  
Walt Blauvelt, Axtel Enterprises  
Michael Brantley  
Phil Brna  
Tammy Buss  
Richard Carlton  
Robert Corbisier, Attorney, Reeves Amodio, LLC  
Gary Cullip  
Gina DeBardelaben, McLane Consulting, Inc.  
Josh Elmaleh  
Kate Finn  
John Girton  
James Gorman  
David Gregory  
Steve Haber  
Don Horton (Father)

Don Horton (Son)  
Lauren Isenhour  
Pete Kinneen  
Rick Oliver  
Eldon Overson  
William Michael & Linda Patrick  
Jim & Susan Reid  
Bob Shavelson, Cook Inletkeeper  
Eileen Sheridan  
Emmitt Trimble, Beachcomber, LLC  
Josh Updike, Peninsula Paving, LLC

**AGENDA ITEM F.**      **PUBLIC HEARING**

**4.      Conditional Land Use Permit for a Material Site; Anchor Point Area**

Staff Report given by Bruce Wall

PC MEETING: July 16, 2018

**Applicant:**              Beachcomber LLC

**Landowner:**            Beachcomber LLC

**Parcel Number:**      169-010-67

**Legal Description:**    Tract B, McGee Tracts - Deed of Record Boundary Survey (Plat 80-104) - Deed recorded in Book 4, Page 116, Homer Recording District.

**Location:**              74185 Anchor Point Road

**BACKGROUND INFORMATION:** The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

The submitted site plan indicates that the material site haul route will be Denver Street, which is a Borough maintained road. The site plan and application proposes the following buffers:

North:    6-foot high berm except along the east 400 feet where a 50-foot vegetated buffer is proposed.  
South:    6-foot high berm.  
East:      6-foot high berm.  
West:     Greater than 50-foot vegetated buffer.

The application indicates that the depth to groundwater is 20 feet and that the depth of the proposed excavation is 18 feet. The groundwater depth was determined by a test hole on the property and exposed surface water to the north. The site plan indicates that the processing area is 300 feet from the south and east property lines. It is greater than 300 feet from the west property line. A waiver is being requested from the north property line. The site plan indicates that the proposed processing area is located 200 feet south of Parcel 169-022-08, which is undeveloped. Parcel 169-022-04 is developed and located within 300 feet of the proposed processing area; this parcel is owned by the applicant's daughter. Staff does not recommend approval of the processing distance waiver request.

The site plan indicates that there are several wells located within 300 feet of the parcel boundaries but none within 100 feet of the proposed excavation area. The site plan indicates 100-foot setback from the wetlands area located in the northeast corner of the property and that this setback will provide protection via phytoremediation of any site run-off prior to entering the surface water. The site plan also indicates that the Alaska DEC user's manual, Best Management Practices for Gravel/Rock Aggregate Extraction Projects, Protecting Surface Water and Groundwater Quality in Alaska, will be utilized as a guideline to reduce potential impacts to water quality.

The application states that reclamation will be completed annually before the growing season ends (September) and that seeding will be applied as necessary each season to areas that achieve final grade in order to minimize erosion and dust. The applicant estimates a life span of 15 years for the site with an approximate annual quantity of less than 50,000 cubic yards.

Much of the vegetation was removed from this property 20-30 years ago. The neighboring properties adjacent to the southeast corner of the proposed material site are at a higher elevation than the subject property. The proposed 6-foot high berm alone will do little to minimize the visual impact or noise disturbance to other properties. Staff recommends that a 50-foot vegetated buffer be required adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer. Staff also recommends that a 50-foot vegetated buffer be required adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer. Staff recommends that a 12-foot high berm be placed along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm should take place prior to removing the existing vegetation in the western portion of the material site.

With the proposed 6-foot berm, staff was not able to state that the standards in KPB 21.29.040 had been met but with the addition of the 50-foot vegetated buffer in portions of the property staff then was able to draft the findings stating that the standards had been met. This decision concerning buffers is entirely up to the Planning Commission. The code states, *"The vegetation and fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission."*

**PUBLIC NOTICE:** Public notice of the application was mailed on June 22, 2018 to the 200 landowners or leaseholders of the parcels within one-half mile of the subject parcel. Public notice was sent to the postmaster in Anchor Point requesting that it be posted at their Post Office. Public notice of the application was published in the July 5, 2018 & July 12, 2018 issues of the Homer News.

Numerous letters from adjacent property owners and agencies were received.

**KPB AGENCY REVIEW:** Application information was provided to pertinent KPB staff and other agencies on July 6, 2018.

#### ATTACHMENTS

- Conditional Land Use Permit application and associated documents
- Aerial map
- Area land use map
- Ownership map
- Contour map

#### FINDINGS OF FACT

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On June 4, 2018 the applicant, Beachcomber LLC, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 169-010-67, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres.
5. The proposed disturbed area is approximately 27.7 acres.
6. A public hearing of the Planning Commission was held on July 16, 2018 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.
7. The site plan indicates that the processing area is 300 feet from the south and east property lines and is greater than 300 feet from the west property line. A waiver was requested from the north property line. The site plan shows the proposed processing area being 200 feet south of Parcel 169-022-08, which is undeveloped. Parcel 169-022-04 is developed and located within 300 feet of the

- proposed processing area; this parcel is owned by the applicant's daughter. A 200-foot separation distance to the property boundaries for the processing area is not sufficient to minimize noise disturbance to other properties.
8. The proposed extraction meets material site standard 21.29.040(A1); "Protects against the lowering of water sources serving other properties", as evidenced by:
    - A. Permit condition number 6 requires that the permittee not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
    - B. The submitted site plan shows several wells located within 300 feet of the parcel boundaries but none within 100 feet of the proposed excavation area.
    - C. Permit condition number 7 requires that the permittee maintain a 2-foot vertical separation from the seasonal high water table.
    - D. The application indicates that the depth to groundwater is greater than 20 feet and that the depth of the proposed excavation is 18 feet.
    - E. Permit condition number 8 requires that the permittee not dewater either by pumping, ditching or any other form of draining.
  9. The proposed extraction meets material site standard 21.29.040(A2); "Protects against physical damage to other properties". There is no evidence in the record to indicate that physical damage will occur to any other properties as a result of the operations of a material site at this location.
  10. The proposed extraction meets material site standard 21.29.040(A3); "Minimizes off-site movement of dust", as evidenced by:
    - A. Permit condition number 13 requires that the permittee provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
  11. The proposed extraction meets material site standard 21.29.040(A4); "Minimizes noise disturbance to other properties" as evidenced by:
    - A. Permit condition number 2 requires that the permittee maintain the following buffers that will reduce the noise disturbance to other properties:
      - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
      - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
      - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
      - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
      - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
      - 6-foot high berm along the northern property as shown on the site plan.
    - B. Permit condition number 5 requires that the processing area be located greater than 300 feet from the property boundaries.
  12. The proposed extraction meets material site standard 21.29.040(A5); "Minimizes visual impacts" as evidenced by permit condition number 2 that requires that the permittee maintain the following buffers that will reduce the visual impacts to other properties:
    - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
    - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
    - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
    - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.



- 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
  - 6-foot high berm along the northern property as shown on the site plan.
13. The proposed extraction meets material site standard 21.29.040(A6); "Provides for alternate post-mining land uses" as evidenced by:
- A. The submitted application contains a reclamation plan as required by KPB 21.29.060.
  - B. The applicant has submitted a reclamation plan that omits KPB 21.29.060(C3), which requires the placement of a minimum of four inches of topsoil with a minimum organic content of 5% and precludes the use of sticks and branches over 3 inches in diameter from being used in the reclamation topsoil. These measures are generally applicable to this type of excavation project. The inclusion of the requirements contained in KPB 21.29.060(C3) is necessary to meet this material site standard.
  - C. Permit condition number 15 requires that the permittee reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.

#### STAFF RECOMMENDATION

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be met and recommends that the Planning Commission deny the processing distance waiver request, approve the conditional land use permit with listed conditions, and adopt the findings of fact subject to the following:

1. Filing of the PC Resolution in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.
2. The Planning Department is responsible for filing the Planning Commission resolution.
3. The applicant will provide the recording fee for the resolution to the Planning Department.
4. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.

#### REVISED STAFF RECOMMENDATIONS

The staff report in the packet recommends approval of the conditional land use permit, however, because of the amount of written materials staff recommends conducting the public hearing and continuing the hearing to the next meeting of August 13 to allow time to read the written comments that have been received.

#### PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries:
  - 50-foot vegetated buffer adjacent to the section line easement on the east property line with a 6-foot high berm inside the vegetated buffer.
  - 50-foot vegetated buffer adjacent to the Echo Drive right-of-way and the north and west property line of the adjacent Lot 1, Block 1, Silver King Estates with a 6-foot high berm inside the vegetated buffer.
  - 12-foot high berm along the south property line where a 6-foot high berm is shown on the site plan adjacent to Lots 2 - 6, Block 1, Silver King Estates. The placement of the berm shall take place prior to removing the existing vegetation in the western portion of the material site.
  - Greater than 50-foot vegetated buffer west of the material site as shown on the site plan.
  - 50-foot vegetated buffer in the east 400 feet adjacent to the northern boundary of the material site as shown on the site plan.
  - 6-foot high berm along the northern property as shown on the site plan.

These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts

- adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
  6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
  7. The permittee shall maintain a 2-foot vertical separation from the seasonal high water table.
  8. The permittee shall not dewater either by pumping, ditching or any other form of draining.
  9. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
  10. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
  11. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
  12. The permittee shall notify the planning department of any further subdivision or return to acreage of this property. Any further subdivision or return to acreage may require the permittee to amend this permit.
  13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
  14. The permittee shall not operate rock crushing equipment between the hours of 10:00 p.m. and 6:00 a.m.
  15. The permittee shall reclaim the site as described in the reclamation plan for this parcel with the addition of the requirements contained in KPB 21.29.060(C3) and as approved by the planning commission.
  16. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
  17. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
  18. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
  19. This conditional land use permit is subject to review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.50, a permit may be revoked for failure to comply with the terms of the permit or the applicable provisions of KPB Title 21. The borough clerk shall issue notice to the permittee of the revocation hearing at least 20 days but not more than 30 days prior to the hearing.
  20. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

**NOTE: Any party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. A "party of record" is any party or person aggrieved by the decision where the decision**

has or could have an adverse effect on value, use, or enjoyment of real property owned by them who appeared before the planning commission with either oral or written presentation. Petition signers are not considered parties of record unless separate oral or written testimony is provided (KPB Code 21.20.210.A.5b1). An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the \$300 filing and records preparation fee. (KPB Code 21.25.100)

## END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

### 1. Rob Corbisier, Attorney

Mr. Corbisier is a resident of Anchor Point and was representing Rob Baker of the R.O. Baker Trust who is an adjacent property owner.

Mr. Corbisier gave the following points:

- There was no way that a conditional use permit in this location could adequately protect the environment. Fugitive dust was going to be coming off of the gravel pit into the adjacent wetlands, the Anchor River and the estuary.
- There are going to be drainage and dewatering issues although the applicant has stated at this time that he will be staying above the water table. The application states that sometime in the future, he intends of going into the water table. The well location itself is deceptive in that the gradient of where the test hole was dug is at a high point in the area adjacent to the bluff that drops way off. Naturally there will be a lower water table at the spot. This also violates the ADEC Best Practices Manual which suggests having a four-foot separation.
- There will also be noise that will damage wildlife habitat. This proposal violates the Borough's Coastal Zone Management Plan.
- Also, this will not be able to preserve recreational values. There are two State Park campsites adjacent to the area. Anglers fishing on the Anchor River and camping on the beach and campsites are going to be able to hear the noise. The heavy truck traffic will interfere with recreational traffic going to and from the beach and tractor launch site.
- That road is quite narrow which will be ripe for disaster.
- It was going to impact residential values dramatically. There are 13 classified residential classified parcels that are adjacent to this proposed site. There are approximately 40 within 1,500 feet. A 6-foot berm was not going to be sufficient for either visual separation or auditory separation especially when there are second story houses.
- This is going to create and attract nuisance. There is the Chapman Elementary School which is not far from this location. Children go down and play near the beach all the time.
- In the Borough's working group on the Material Site regulations there was testimony describing that winds in the wintertime turn vacant gravel pits into sand blasting facilities that absolutely knock out someone's house next door. In this location, it is adjacent both to Cook Inlet and the Anchor River flats. There will undoubtedly going to be high winds.
- It will impact property values. He understood the Borough Assessor does not necessarily drop property values based on the existence of a gravel pit, however studies in the lower 48 show a documented drop of around 33 or higher percent when a gravel pit was developed.
- Although staff has recommended a buffer on the east and north side, there is not a buffer that was being recommended on the south side. There will still be residential parcels with nothing other than a 6-foot berm.
- Danver St does not comply with the ADEC Best Management Practices for a dedicated access point.
- This material site is not needed. There are approximately 50 parcels in the greater Anchor Point area either off the Old Sterling Highway, the Sterling Highway or the North Fork Road that either have conditional land use permits or are existing prior use gravel pits.
- The borough should just wait until the new regulations come out. There is no reason for the Planning Commission to improve this application right now. Let the process that has been started by the Assembly finish before the conditional use permit was authorized. If the Planning

Commission felt a need to do something, then the alternative that should be considered would be to only develop the Phase 1 portion of the project and then allow the applicant to come back for the other phases after the new regulations are in place.

His client asked him to make the following additional points at this meeting.

- To his knowledge, the applicant has no experience operating a gravel pit. Beachcomber LLC is a brand new LLC and has no business history.
- There are questions about what the financing was for the extraction, the startup costs, the ability for the applicant to post a requisite bond, what was the insurance going to be like, and what was the LLC solvency in the event that the LLC was to become insolvent. There is a potential of an outside operator to come in and continue to decimate the mouth of the Anchor River.

Mr. Corbisier was available to answer questions.

Chairman Martin asked if there were questions for Mr. Corbisier. Hearing none the public hearing continued.

2. Michael Brantley, 74057 Anchor Point Rd.

Mr. Brantley stated that his property is 300 feet west of Denver Rd which was going to be the access road for this pit. He just retired after 41 years working for the Federal Government of which 31 years of that working history had been working with gravel pits and quarries.

Mr. Brantley has seen and heard a lot of noise. He expressed concern that these gravel pits create carcinogens which is cancer. Imagine someone with their family driving down with their RV or SUV with their windows down and their children breathe in all this air.

Mr. Brantley also expressed the concern of the traffic problem on the beach road. To be exact that road is a disaster and hazard. His opinion is that it's a liability to the Kenai Peninsula Borough that needs to be rectified.

This proposed pit is on the back side of his lot and borders it on the north of the applicant's line. Mr. Brantley stated that he has spent hundreds of thousands of dollars to build his dream, his business which is a fly tying shop and now there was a pit going in next door. He has guests that get up at all hours to fish because they go according to the tide and weather so he felt that if they are going to put a berm up then they should also put up a wall.

Mr. Brantley commented that they will need to have regular ADEC inspections if this was going to happen. He has 12 certificates dealing with hazardous waste working for the Air Force so he has experience in all this.

Mr. Brantley felt that this is not right for the neighborhood. He has spent tens of thousands of dollars to get his ADEC engineer approved water system installed. Four wells have been drilled right next to one that was producing 26 gallons a minute. Mr. Brantley went down a few hundred feet and still couldn't find water. Fortunately for him, the Borough came back and changed the regulations and now his well is classified as private however that well is only 38 feet deep. He stated that ADEC has approved his system.

When Mr. Brantley first bought his property he found out an interesting story about it. His property was previously owned by Albert & Dawn Magee from Oregon. The story was that they had a son that had passed away so he buried his son on the subject property. He has been in contact with the family members to verify this and will inform the Commission with what he finds out.

Chairman Martin asked if there were questions for Mr. Brantley.

Mr. Wall asked if his well was approved as a public water supply system. Mr. Brantley replied yes. Mr. Wall asked when that was approved. Mr. Brantley replied that he received approval a couple of weeks ago.

Mr. Brantley stated that the ancestry of the deceased son that was buried on the property was Cherokee. He hoped the commission would make the right decision on this application. The community can't have this. If this was going to be pushed through then he would like the road to be completely redone from the boat launch all the way to the bridge.

There being no further comments or questions, the public hearing continued.

3. Gary Cullip, Seabury Ct.

Mr. Cullip overlooks this whole proposed gravel pit area. The applicant may meet all of the regulations but thought there was circumstantial evidence that was involved that the Commission really needs to take a hard look at. He thought this needed to be tabled to the August 13 meeting.

Mr. Cullip expressed concerns regarding the condition of the road. He knows the Borough does not have the money to rebuild the road. If that has to happen then there needs to be a condition on the permit to make the permittee liable for it. The number one safety issue is that the road is the main access for people to get from the State Parks down to the beach. There are all kinds of foot traffic on a very, very narrow road. There are up to 40 boats traveling that road to get launched every day. It will be a disaster to include the dump truck traffic in that. This is a very different permit that is being talked about since it is in the middle of a residential area. Lots and lots of people will be affected by it.

Mr. Cullip recommended tabling this at this time, get all the information and then make a wise decision at the next meeting.

Chairman Martin asked if there were questions for Mr. Cullip. Hearing none the public hearing continued.

4. William Michael Patrick, 34897 Fisher Ct, Anchor Point

Mr. Patrick ran away from the Lower 48 in 1990 and came up here and taught in rural Alaska for a long time. He came to Anchor Point because it was a beautiful place. Mr. Patrick picked a lot on a hill. When he looks out his front window he can see Mt. Iliamna, when he looks out his side window he can see Mt. Redoubt and then he goes to his neighbor's house and they can see Mt. Augustine.

Over the past six years he has had the pleasure, the ecstatic pleasure of a lifetime, a quality of life to see three sets of twin calves born in his front yard. In the fall, there are Sand Hill Cranes that fly above the amphitheater bowl that is at the mouth of the Anchor River. They land on the hillside and down in the very area where the pit is going to be. Mr. Patrick stated that he can drive down to the beach and see people walking on the beach and enjoying it. There is much beauty there so this is a very unique area. It is not down some dirt road. He stated that this is the farthest westerly point on the America Highway system is right here.

Mr. Patrick stated that he doesn't begrudge anyone making money or doing business. Below are a few questions that he asked as a Science teacher.

- Is the groundwater subject to pollution when people develop gravel pits and let them fill up with water because it was now in contact with the atmosphere?
- What attractive nuisance is there when they allow them to dig that out and put a pond in there?
- Would the gradient in the pond be too steep if a neighbor kid or a moose falls in there so they couldn't get out of the hole that was covered up with water so that the gravel operator didn't have to reclaim it?
- What types of viruses or bacteria would be there? Would they be helpful or harmful?
- What happens when they are made airborne on dust particles and they blow around.

Mr. Patrick's house sits at a 110-foot elevation which is about 150 yards from the entrance of this pit. The pit was at 44-foot elevation. They would have to put a dome over it to keep him from seeing into it. He also stated that Mt. Iliamna and Mt. Redoubt would disappear which might cause a big stir in the National Geographic Society.



The sea and land breezes cause dust to blow on his property and on the surrounding properties. As someone comes up his private road, he had three more neighbors and these people are closer than 150 yards. There is a rise in elevation of approximately 66 feet.

Mr. Patrick has two wells at his house. When he drilled his first well he ran into an underground stream which was perfect water but it gave out in a couple of years so he had to drill another well which is about 70 feet down. If they go 70 feet down from his house into the aquifer that he is in that puts the ground level estimate to be about 4 feet above the water table. He suggested that the applicant dig more than one hole to determine the validity of the water table in that area. Particularly in that area because it has many underground streams. The gravel filters water and that water runs down toward the Anchor River.

Mr. Patrick stated that he was going to get the noise, dust and visual impacts. He was going to be subjective to safety by pulling out of his road and not getting run over by a dump truck and so are many of other people. He has seen the kids at the elementary school on walking field trips on this road. The bridge that services that Anchor River road is currently condemned.

Chairman Martin asked if there were questions for Mr. Patrick.

Commissioner Bentz asked what the depth of his first well. Mr. Patrick replied that it was 20 feet.

There being no further comments or questions, the public hearing continued.

5. Todd Bareman

Mr. Bareman lives on the Old Sterling Highway in Anchor Point and owns the tractor launch at the beach. He stated that the road needs some addressing. It was in terrible shape, that's not what they were here for but they were here to not make it any worse and cut into the recreational use.

Mr. Bareman stated that if this pit if it was permitted then there would be a crusher where five campgrounds, a trailer park and two RV parks that would be able to hear it. He wondered how the recreational people were going to get along with that much less than all the residents that have a problem with it.

Mr. Barman also stated that they are at this meeting because there are not enough regulations. He felt this should be tabled until new regulations are in place. This is not a normal gravel pit and is not in a normal area.

Mr. Barman asked that the commission be a little bit lenient about people testifying since this was very personal because it was their property and their livelihood that are going to be affected.

Chairman Martin asked if there were questions for Mr. Bareman. Hearing none the public hearing continued.

6. Linda Patrick, 34897 Fisher Ct.

Ms. Patrick expressed concern with the noise level that would be created by the gravel pit. There is currently excavating going on at the north corner of the designated area. There is digging already going on and trucks going in and out of there which starts sometimes at 7:00 a.m. and runs all day. They can close their doors and windows but that noise still permeates their house. She questioned where their hearing and safety protection was.

Chairman Martin asked if there were questions for Ms. Patrick. Hearing none the public hearing continued.

7. John Girton, Twin Peaks Loop

Mr. Girton stated that he was about a mile from this proposed gravel site so it wouldn't affect him as much. There are at least two graves in the middle of this site; one is the son of John & Gladys Dandona and the other is a son of the McDonald's.

Mr. Girton moved to Anchor Point 25 years ago for the use of the beach road and launch because he fishes. That road is so bad that someone is going to get killed the way it is now. Three times in the last 25 years, he has had gravel trucks that hit his boat and his tow vehicle. There is not a lot of room to move over to make room for these gravel pit trucks and boats. Also there is no place to go now that the berm was dug out. He stated that there are sometimes up to 125 boats down that road plus there are the campers and motor homes. It is going to be a very serious problem when these trucks start moving as there are a lot of walkers, kids and bicyclers.

Mr. Girton recommended that they put in a restriction that there be no Jake brakes if this gets approved which he hoped would not get approved. Those trucks that go down the hill on the Old Seward Highway use their Jake brakes and it is horrible. There is no enforcement. He had a couple of gravel pit operators tell him that once they get the permit then they can do whatever they want.

Mr. Girton felt that this would be signing a death warrant for Anchor Point if this gets approved. He also felt that if the tractor launch cannot continue to operate because of the road conditions and the lack of boats going down to launch then there will be nothing to do in Anchor Point. It is a very serious thing they were going to do to Anchor Point if they allow this gravel pit to go in. Safety is his whole concern.

Chairman Martin asked if there were questions for Mr. Girton. Hearing none the public hearing continued.

8. Hans Bilben, 35039 Danver St.

Mr. Bilben has resided at his home for the last 15 years. He presented a handout that was distributed to the Planning Commissioners.

Mr. Bilben read the following statement which sums up why they and most of the people reside in Anchor Point: *"The natural beauty, the authenticity of the people, the adventure and the peaceful life come together to make Alaska a place to realize dreams."* The funny thing about that statement is that it was the first paragraph from the Coastal Realty website which is the company that is owned by the same people who want to destroy the lifestyle that they claim to promote. They want to develop a mine in the very heart of Anchor Point.

Mr. Bilben felt there were an unlimited number of well qualified reasons not to have a gravel pit in this location but greed was truly the only driving force for its creation. They realize that the Planning Commission is bound by the borough code of ordinances in their decision making process but unfortunately these codes are severely lacking and vague in some areas. The six standards that the applicant must satisfy are pretty skimpy but that is what the commission has to live by for now. In the case of this application there was no possible way that the applicant can meet those standards due to the topography of the area surrounding this proposed mine. No amount of berming or vegetated buffer will meet the standards pertaining to minimizing noise or visual impact on other properties and other homes as required by the code because of the steep rise in elevation to the north, east and south of the proposed mine. He stated his property is 500 feet south of the proposed area and 75 feet above the existing floor. From their property they have clear view and ear shot of the large percentage of the proposed site.

Mr. Bilben referred to the two photos that were in his handouts which shows what they look at out their window. There are a lot of people that are much more impacted by this pit than they are. Recently he and a friend walked through and talked with neighbors and actually looked at the view from the area. He referred to his handout which had red dots on the parcels in the map. The red dot indicates properties at elevations that cannot be protected from noise or visual impacts by berms or buffers. They counted 22 homes and most of those people will be impacted by visual and noise because no amount of berming could cover that up.

Again, Mr. Bilben referred again to a photo in his handout which shows his friend, Mr. Oliver in the picture. The vegetated buffer is shown in the photo which is the one tree to the left. The road that he is standing on is the access road to the pit which will be to the processing plant. Mr. Oliver walked onto Mr. Trimble's property about 50 feet. He was standing with a 10 foot 2x6 board. The trees

behind him will all be lost because it will be part of the pit. Mr. Bilben noticed that Mr. Oliver's house will be impacted by the visual, noise and dust of the proposed pit.

Mr. Bilben stated that Mr. Trimble handed out a handout with pictures before the meeting which stated that it took only 3 hours to do what he did and that only 5 homes have limited view now. He questioned how many homes do they need to destroy and decimate before they say no to a gravel pit. The truth of the matter is that this doesn't have anything to do with homes but has to do with properties. People who own property there are going to lose value and will be impacted by the visual and noise of the gravel pit. There is no way he can get around it because of the topography of the area.

Mr. Bilben stated that the proposed mine is within the heart of a residential recreational gem which is called Anchor Point. This property could be a very desirable addition to the community if this property is properly developed. It is the function of the elected and appointed officials to represent and hold up these ordinances and not merely to rubber stamp this application. He felt this pit is in the wrong place and has no business getting this far in the process.

Chairman Martin asked if there were questions for Mr. Bilben. Hearing none the public hearing continued.

9. Pete Kinneen, 34969 Denver St.

Mr. Kinneen was at the meeting with a slightly different take. He was an Irishman and was as passionate as anyone else however he was going to put that to the side.

Mr. Kinneen stated that there are reasons that the commission can cite to not approve this application. It does not meet the six standard conditions. There are valid concerns about the safety of the road but that was not within the toolbox that the commission could use to make a decision. He thought that none of the conditions could be met just going on the ordinance and the exact interpretation of the code. If this was not a permit of right, then they must come and ask permission and comply with the conditions. Mr. Kinneen suggested that if this were to pass then there would be no other operation in the Kenai Peninsula Borough because of the uniqueness of the area then they might as well rip up the ordinance and say they can do anything they want. Title 21.29.050A(2)(c) states that "*Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit.*" He stated that shall is a mandatory word and is not permissive. The commission must do that and they must keep this in mind. The road and the kids getting run over is real but it was not what the commission used to make their decision.

Mr. Kinneen stated that the tall bluffs were the uniqueness of this area with an amphitheater that inundates right there on the subject property which was caused by the outflow of the Anchor River. It is a small flat area surrounded by a bathtub type shape. The noise comes in from the water and the noise cannot be minimized. He felt there can be all the buffers but it will not minimize the noise.

Mr. Kinneen handed out photos of the area that was taken from his living room. They are pictures that look out over the top of the trees. Just beyond the house with the blue roof is the material site property. A 6 foot or 12-foot fence and a buffer of 50 feet or 150 feet will not make a difference with visual and sound. He felt this was a unique situation all the way around.

Mr. Kinneen felt that the stated intent was found in Title 21.29.040(A) which states, "intent". He questioned what the intent was and wondered if the intent was just to shovel out to anyone who comes in and asks for a gravel mine anywhere and at any time. That was not what the intent says. The intent says protect. It is the six conditions that gives protection against dust, noise and visual impact. If there ever was a gravel mine application that should be denied this is it because of the uniqueness of this area. He doesn't understand how a permit could be issued for this under these ordinances.

Mr. Kinneen invited Mr. Wall to come to his home to look at the site. There are a lot of people that will be impacted by this. He could see the entire mine from his house and questioned how they could protect them per the ordinance. There are original, vibrant, green mature spruce trees up to Echol Rd

because of the atmospheric conditions. Past that and coming up the hill doesn't because the ecosystem that comes in behind them was the uplands forest that has been decimated by the beetle kill.

Mr. Kinneen was available for questions. He felt this permit application could be denied because all they need is one condition not being met. As he challenged and asked Mr. Wall how they follow the intent of the code. They are open to ideas but a 50-foot buffer wasn't going to do anything at all.

Chairman Martin asked if there were questions for Mr. Kinneen. Hearing none the public hearing continued.

10. Rick Oliver, 34880 Danver St

Mr. Oliver stated that his home was above and somewhat directly opposite of the proposed site. The activity allowed by this application will totally decimate the property value of their home as well as the quality of life that they now enjoy. They are definitely not alone in this regard. Obviously, the standard set for the sand, gravel and material site are set to protect against aquifer disturbance, road damage, visual damage to adjacent properties dust, noise and visual impacts. He stated unequivocally that the proposed setbacks, berms, vegetation, buffers, etc. will not and cannot protect their homes from these disturbances.

Mr. Oliver made the following statements:

- Number 1 of said standards addresses the lowering of water sources serving other properties. The existence of the substantial lake just below my property indicates that a major mining operation can't help but affect the water source of my property. I'm told there is significant additional information regarding this standard to be presented.
- Number 3 addresses the "minimization of dust to off-site areas". Due to the proposed placement of the processing equipment, ANY on shore breeze will bring that dust to my home, directly across the street.
- Number 4 addresses the noise disturbance to other properties. According to the radii shown on the application, the processing equipment is to be set much less than 300' from my front door. How can the noise and vibration from this equipment be, in any way, "minimized" in my home? He explained the photo of him holding the 10' tall board which shows the concern he has with "minimizing" visual impact from my house with a 6' berm. He was standing 50' inside the newly designated property line.
- Number 5 addresses (again) the "minimization" of visual impact.

Mr. Oliver stated that Mrs. Trimble approached a neighbor of his after the informal meeting last Wednesday and stated that she and her husband had walked the property and said that they could only see six houses. This does not include other properties as addressed by the code that could at some point be developed. He questioned how many homes does the project have to decimate in order to convince this body that it should not happen.

For the record, let it be known that he and his family along with the other several hundred other people residing in this area vehemently oppose the granting of this permit.

Chairman Martin asked if there were questions for Mr. Oliver. Hearing none the public hearing continued.

11. Jeanne Bilben

Ms. Bilben is the wife of Hans Bilben who has already testified. She gave a handout that includes information that they discovered. She stated they love this beautiful recreation area. Some of them have bought and built homes there. They own land there just as the permit owner owns land but they are not digging a gravel pit in his front or back yard.

Ms. Bilben stated that they are not against a gravel pit but they do not want them in their neighborhoods. She thought that they would have just as many rights as a gravel pit since they also pay their taxes.

Ms. Bilben commented that this so called gravel pit will be disturbing the peace of their beautiful area. She understood that once this permit was issued then it goes with the land no matter who owns it making it even more valuable to the owner and making their property values go down.

Ms. Bilben stated that this was not only is a recreational area but it was also a historic area. They have been in contact with the State Historic Preservation Office that there is a highly potential historic archeological site at this location. She asked that they stop this permit and keep this area away from mining and gravel. The State Recreational area in Anchor Point is where people come to see the beauty and history of this part of the world.

Ms. Bilben questioned if they really want a gravel pit in this place for them to see. She requested that the commission keep gravel pits away from their neighborhoods, historical lands and recreational areas.

Chairman Martin asked if there were questions for Mr. Bilben. Hearing none the public hearing continued.

12. Jim Reid, 73820 Seaward Ave.

Mr. Reid was a retired paramedic and fire fighter and stated that his issue had to do with the safety factor. He stated that in the wintertime someone is not stopping when the gravel trucks come down off that hill down Danver because of the iced over road. Everybody in the neighborhood has complained about it.

Mr. Reid expressed that his other concern had to do with the kids. There are five parks in the area where gravel trucks have to pass by three of them with every load. They are not talking about a couple hundred trucks a year but about 5,000 trucks. With the amount of aggregate that the applicant wants to take out of there, there would be 10 yards a truck at 5,000 trucks. This is not a little operation. He stated that no matter what happens he would write a letter on this. This is what he did and he does not like picking up kids.

Mr. Reid stated that one day he believed he saw Mr. Trimble's daughter walking with his grandson as he was coming out with his boat to go to Homer. There was another car coming down the road when he was leaving and he had to stop and he saw the woman push her kid off the side of the road because it was too narrow to walk and have cars go by. He felt this was really a serious problem.

Mr. Reid stated that someone has to turn right and go out 7 or 8 miles to the Sterling Highway since the bridge was condemned. That road is like a snake so staff should have included notice to all those people that live down that road who are going to be looking at those 5,000 trucks. He reiterated that the road is dangerous.

13. Susan Reid, 38720 Seaward Ave.

Ms. Reid stated that they stand there in support of all of their friends and neighbors as well as the community to let the commission know that they are really opposed to this proposed gravel site. She stated they object to the applicant for all the reasons everybody stated from the bridge that will not hold the weight, from the property values of the properties. She assumed that if their property values do go down then the borough would be very happy to lower their taxes. In addition, she assumed that if the commission approves the permit then the road will be widen because right now it was not wide enough for all of this traffic. It will probably cost the borough about 1½ million dollars to fix the road.

Mr. Reid interjected that right now the trucks that are empty go across the bridge. They just lowered the weight to 11 tons, which is 22,000 pounds. Right now they are not abiding by the law with an empty truck weighing about 26,000-28,000 pounds.

Ms. Reid stated that the road is a highly, highly congested residential area. She stated that all of the residents want the commission to know that they are not taking this. They do not want the commission to approve and grant the permit for this application.



Ms. Reid understood that the applicant has a right to make money off his land but years ago, they all bought into this beautiful neck of the woods because it was quiet with not a lot of noise. She has been hearing a beeping backup noise and did not care how much white noise alarms are put on the trucks, they are still going to hear it.

Ms. Reid thanked the commissioners for listening to them.

14. Don Horton, 34910 Echo St

Mr. Horton lives directly across the street from the proposed gravel pit. They bought this property 15 years ago for recreational purposes and maybe someday to build a house on when he retires. A month ago he retired and then gets a letter stating that he was going to be looking at a gravel pit. His only view is the field that will be used for the proposed gravel pit. He looks across this field and looks at Mt. Redoubt. If the applicant builds a 6, 8, or 12-foot berm then he will be looking at a berm, a gravel pit and Mt. Redoubt.

Mr. Horton felt that this proposal would virtually ruin the property. He would now never even consider building on it with what was going on now. Mr. Horton could never even give the property away. He has three sons, a daughter and a grandson that hopefully this property could be theirs someday, Mr. Horton would hate to see the commission ruin his little slice of heaven.

15. Eileen Sheridan, 34860 Seabury Ct., Anchor Point

Ms. Sheridan is a 50-year resident of Alaska. They have lived in Juneau, Sitka, Palmer and now lives in Anchor Point. She stated they are above this proposed gravel site area.

Ms. Sheridan understood the noise issue because they can feel the wind when it blows up and down that river. She felt there was no way berms or vegetation like that will take away that noise. It was so distracting when they had the oil gas people out there in the bay, running their sonograms all summer long so this gravel pit will be distracting too.

Ms. Sheridan stated that they put their retirement into this home and felt their property value will go down if this gravel pit goes in. Even Mr. Trimble said that a gravel pit would make the property values go down. They had hoped that their kids could enjoy this property later in life also. They have worked hard to do what they are doing so she understood him wanting to do something too but not a gravel pit that they have to live with.

Ms. Sheridan expressed concern regarding the dust that will be created by this gravel pit. She had terrible allergies up in the valley so they moved down here because her allergies were better here living right by the ocean instead of by the hay fields. Ms. Sheridan reiterated her concern regarding the noise and dust. They already get dust from their dirt roads. She stated that the trucks speed down that road so there is no other way that they don't get the dust from the roads. They lived next to a gravel pit when they were building their home and was very glad to get up to their peaceful house to look at Mt. Iliamna and Mt. Redoubt.

Ms. Sheridan realized that if the applicant receives the permit then he has the right to sell and maybe even have a bigger gravel pit in there. She noticed that there was only one test hole shown and was wondering if there was any consideration of the loss of vegetation and the lowering of water sources. It appeared that there were some wetlands in the area after she looked at the maps.

Ms. Sheridan said when they go down Danver to the right just across from this property there are ducks and moose have their babies there. She felt that if there is noise from the gravel pit then those moose mothers will get so disturbed that they could be leaving their babies.

Chairman Martin asked if there were questions for Ms. Sheridan. Hearing none the public hearing continued.

16. Gerald Blair, 73600 Twin Peaks Loop

Mr. Blair stated that most of what he was going to say has already been said by prior speakers probably far more eloquently than what he would have.

Mr. Blair stated that there was one issue that has not been covered which is not just the safety of the road but the cost of the road. What he has been able to determine is that the road started as a cat trail that went from the Sterling Highway out to the beach. It was never engineered or properly built so it has no base. It does not even have enough right-of-way to be any wider than it is in spots and that is barely wide enough. He felt that two trucks could lose their mirrors if they are not careful because there was no way to get off the road particularly with a loaded truck. An estimate to fix that road to where it will handle these dump trucks will cost in excess of \$2 million and bring it up to par. There will also be right-of-way work that will need to be done as well as achieving the necessary right-of-way to make the road wide enough.

Mr. Blair also stated that the trucks that he sees going up the North Fork weigh well in excess of 100,000 pounds. There are tractors pulling two side dump trailers that haul 20 yards of rock a piece which is about 60,000 worth of rock per trailer plus the truck and the trailers. Over the lifespan of this pit if the road isn't totally fixed in the beginning then they could spend \$6 million in maintenance maintaining that road for 15 years if the pit stops at 15 years. He doesn't know if the Kenai Borough has that kind of money laying around that they would want to put into that when all they are going to get is minimal separation fees which won't amount to much money.

Mr. Blair felt lucky enough to be far enough away from the pit that the dust and noise will be minimal. The truck noise will be there but by in large the cost to the Borough to maintain that road or to rebuild that road would not be a business that he would go into because it would cost \$2-\$3 million and would get back almost nothing.

Mr. Blair thought the bridge was going to be built anyway and did not know if the gravel pit will have much to do with that.

17. Bob Shavelson, Director of Advocacy for the Cook Inletkeeper

Mr. Shavelson stated he has heard many concerns from the property owners. It brings to mind the whole notion of private property, which is vital to their economic system. One of the central tenants of property rights is that someone can do what they want on their own property but cannot harm folks around them. It includes private and public property, which is the issue he wanted to address at this meeting.

Mr. Shavelson referred to the ground and surface water resources. Finding of Fact 8 states, "*The permittee must maintain a 2-foot vertical separation from the seasonal high water table.*" Again, he was going to come back to the issue that he raised the last time. There was nothing in the application that says that the test hole was drilled and monitored to ascertain the seasonal high water mark so he questioned how the planning commission or the staff could know what that level was. He felt they could not.

Mr. Shavelson felt that the permit could not be approved, if they want to abide by the ordinance. If the permit is approved, then it was just guesswork. They should not be gambling with the resources that they have in the estuary of the Anchor River. He referred to the scientist from the National Estuarine Research Reserve who provided them with the groundwater flow that shows that this parcel, at least partially flows into the Anchor River and that water plays a vital role in the life stage of various salmon. When he first thought about an estuary, he thought salmon goes down, goes through the estuary, and then comes back, and goes through the estuary again but it was a lot more complicated than that. They are just beginning to scratch the surface on this complexity. All the ecology of the salmon systems is kind of like fabric, when the threads are pulled then the fabric will unravel. He stated that they have to be really careful, this is one of the things that really concerns him.

Mr. Shavelson also stated that the ordinance states that it has to comply with other environmental laws and rules. There is something that he calls the myth of rigorous permitting. The myth of rigorous permitting is that there is this whole alphabet soup of Local, State and Federal laws and rules so if all the i's are dotted and all the t's are crossed then there will salmon habitat protection.

He has been doing this for 25 years and he can tell them that this is not the case. There is the 50-foot buffer on the salmon streams in the Kenai Peninsula Borough but he also knows that Mayor Pierce was looking actively to revoke some or all of those protections. There is Title 16 in the State law, which is the Habitat Protection law. It is one law in the State that protects habitat. It was one sentence long and was adopted at Statehood. There is an effort now to revise that in a ballot measure that was causing a lot of controversy but many people feel that there is this whole alphabet soup of laws and rules that don't protect the habitat.

Mr. Shavelson commented that this reminds him of a book entitled, "The King of Fish" by a professor named David Montgomery at the University of Seattle. Mr. Montgomery talks about the demise of salmon from Europe, to New England and to the Pacific Northwest. The thing that is taken from this book was that it was not neglect that led to the loss of salmon runs across the world but knowing the neglect. It was that they knew what they were doing was wrong but did it anyway. That is how he felt about these permits that continue to get rubber-stamped through this process.

Mr. Shavelson thought that many of the commissioners feel like their hands are tied. There is the ordinance that puts them in a strait jacket so they think they cannot do anything. He felt that the commission does have enormous discretion. They have discretion that was given to them by the borough. According to KPB Ordinance 2.40.050, the planning commission has broad discretion to investigate and make recommendations including to the Assembly.

Mr. Shavelson assumed this would be postponed to the August 13 so he encouraged the commission to ask the questions that need to be answered to do this right because the mouth of the Anchor River is a special place. He felt this body needed to represent the public interest. The private interest was always adequately represented and the public interest needs to be represented which he felt was the job of the Planning Commission.

Chairman Martin asked if there were questions for Mr. Shavelson. Hearing none, the public hearing continued.

18. Eldon Overson, 73976 Seaward Ave.

Mr. Overson gave a handout to the commissioners showing the view that he has from his property. He read the following statement into the record.

*"I would like to thank you guys for hearing my thoughts on the proposed Beachcomber gravel pit that is being submitted by Emmitt and Mary Trimble in our community. I will thank even more after this meeting, if you reject the proposed land use permit that will decimate my neighbors' and my view for the next 15 to 20 years.*

*I was at work on the slope when I got the email for this planning meeting and I flew today and drove down from Anchorage, just for today. I have to drive up and fly back up to work tomorrow. I say this to show the importance that this proposed gravel means to me and how much I do not wish it to go forward. I feel that this is a very bad proposal and deserves more of his time and effort.*

*I bought my lot on the corner of Denver and Seaward about eight years ago and it's the spot that I would eventually build my dream home. I started to build a cabin on the lot to use for summertime camping, this winter. That picture is of me standing on my loft from that cabin. The red area that is marked is where the proposed gravel pit will be. I am approximately 65 feet above the gravel pit so I will be looking directly into it. The view of Iliamna, the ocean and the river was the main reason for me purchasing my property.*

*As the permit states, that the six-foot-high berm in the plan will offer little to no relief from the visual impact of the gravel pit. This is true for my lot, my neighbors' and many others. I don't feel that they have offered mitigating factors to lowering our value of the surrounding properties to increase his. Noise is also another factor that will keep me from using my property in the future*

*as I intended. The machinery that it will be working in the daytime hours will make me, basically not want to be there. There is no buffer between me and the gravel pit so I will have to hear the constant droning of the processing of the sand and gravel for the next 15 plus years. This was a very tranquil neighborhood and I enjoyed hanging out there in the summer months.*

*In closing, I find it very disingenuous and unethical that Emmitt & Mary Trimble have profited from selling many of the lots in our neighborhood and now singlehandedly want to undermine the enjoyment, the view and the property values of the same people that they sold the property to. I find it very disrespectful that they did not consider anybody but themselves and do not wish to accurately describe what they want to use the property for. I have heard from many of the neighbors from the meeting that they attended that they said that they only wanted to down 10 feet. The permit states that they want to go down 18 and then apply further in the future for going down even further.*

*I would like him to address those and also on the permit it says that this land was not intended for future subdivision which he also claims that's why he was only going down 10 feet to later subdivide the property which will also make all the septic's in that area lower to the water table.*

*The questions I have are:*

- How could the Borough simultaneously tax him for my view while also approving a big eyesore right in the middle of it? In Homer, they have started to assess view on top of property.*
- Will there be a waiver granted for all of them who are being impacted by this gravel pit and if so what was the loss revenue to the Borough?*

*I mention the campgrounds but that has already been addressed, better then he would have. Also, there is some incorrect or wrong statements on the permit concerning that there were no wells within 100 feet of the property boundary. I do believe, though that "We Tie Fly" has a well within 100 feet so that is inaccurate on the permit. I don't know how they can claim there was no wells within 100 feet of the property when there is.*

*Thank you for your time."*

Chairman Martin asked if there were questions for Mr. Overson. Hearing none, the public hearing continued.

Chairman Martin called for a recess at 10:07 p.m. Chairman Martin reconvened the meeting at 10:15 p.m.

19. Phil Brna, 5601 E. 98<sup>th</sup> Ave, Anchorage

Mr. Brna spent a good number of his springs, summers and falls in Anchor Point for the last 24 years. He owns a cabin on the Anchor River inside the State Park and has a piece of property that is surrounded by the proposed gravel pit.

Mr. Brna stated that in the last 41 years he spent 21 years with the Alaska Department of Fish & Game as a Habitat Biologist and 14 years with the US Fish & Wildlife Service. He has retired from both so he has lots of experience with large development projects like Pebble Mine, Donlin Mine, and Chitina Mine. Mr. Brna was their fish and wildlife service biologist on all those projects. He stated that the science related to groundwater and the other gravel permit was a total joke. He has worked with some of the best groundwater hydrologists in the country and in Canada. It's pretty stunning that they are making decisions based on groundwater with no groundwater data other than one test hole that was dug who knows where. As former Governor Jay Hammond once said about Pebble Mine, "The only worse place for a mine would be in my backyard." This proposed gravel pit was in his backyard. In fact, it surrounds his one-acre property on three sides. Mr. Brna owned the last lot on Beachcomber. He bought the property to build a small house when he fully retired which he did two years ago. This proposal will pretty much destroy his plans to do that and will destroy his property value.

Mr. Brna thought that in 2018, it was ludicrous to think that someone could develop a gravel pit in the middle of a residential area and in one of the most heavily used recreational areas in Alaska. It was really unthinkable.

Mr. Brna expressed concern about the noise. When the property was being cleared and the other little gravel pit across the street was being built he could hear every truck that was backing up, every truck that was going down the road and the tractors. Someone can hear everything in that valley and it was not going to be any better with a gravel pit.

Mr. Brna also stated that there were archeological sites on his property. There were old cache pits and probably one house pits. He walked the gravel pit property a long time ago and there were a lot of house pits and cache pits on that property as well. There was an old wagon road that goes off the end Beachcomber that was built in the 1920's to get to an old homestead. It goes across his property and through the gravel pit.

Mr. Brna submitted written comments and asked the commission to read them. He hoped the Kenai Borough Planning Commission denies the proposal for this project because it was not good for Anchor Point, not good, for the people who live there and it's not good for the people that come there to recreate. There are people from all over the world that come to this area. He was fishing the Anchor River today and probably spoke to 20 people from all over the world. This is not a good thing.

Chairman Martin asked if there were questions for Mr. Brna. Hearing none, the public hearing continued.

21. Lynn Whitmore, 34680 Beachcomber

Mr. Whitmore's lives adjacent to the proposed project, which is literally in his backyard. When the applicant first bought the property, he was told that they were going to subdivide it and put homes on the property. He considered moving since he had a nice piece of the world to himself for a long time with just one neighbor.

Mr. Whitmore stated that when he was told it was going to be a gravel pit then he went to the staff who told him that this pretty much flies through if it meets the six conditions. Everybody he talked to said that the proposal was just going to fly through. It is a frustrating thing to watch all these people speak knowing that it was just going to fly through so he asked why was there a public hearing. He asked what the purpose was and what was being gained out of it, if the applicant meets the conditions. Maybe that would not be the best way to approach this thing to tell everyone that it was going to fly through.

Mr. Whitmore asked the commission that if there was a chance to consider their feelings and what they are going to listen to and what he was going to hear and listen to and they can reduce or stop that that then it would be a great benefit to him.

22. James Gorman, 73608 Twin Peaks Loop, Anchor Point

Mr. Gorman stated he looks right down on the beach road. He sees the things these people say every day. Mr. Gorman was a history major in college and read the following letter.

*"The Alaska State Historic Preservation Office (AK SHPO) received your request for information regarding known historical sites in the area of a proposed gravel mine. Upon review of the Alaska Heritage Resources Survey (AHAS) database there are two reported cultural resource sites in the area of the proposed mining.*

- SEL-00280, prehistoric site, reported to consist of two house pits. Location is represented as a large polygon; exact location of features is unknown but current projected boundaries are within the proposed mining area.*
- SEL-00281, historic graves and possible cache pits, reported to consist of 5 graves that at one time had grave markers, depressions tentatively described as cache pits were*



*reported north of the graves. Location is represented as a large polygon; exact location of features is unknown but current projected boundaries are within the proposed mining area.*

*In Alaska there are two historic preservation laws that may apply unless the project is entirely private in nature:*

*Alaska Historic Preservation Act (AHPA): State law requires all public construction or improvement activities conducted by, or requiring licensing or permitting from, the State of Alaska to comply with the Alaska Historic Preservation Act (AS 41.35.070). This also includes required reporting of historic and archaeological sites on lands covered under contract with or licensed by the State or governmental agency of the State. This would include any material sources used under contract with the State.*

*National Historic Preservation Act (NHPA): If there is Federal involvement (financial assistance, permit, license or approval) with the project it is the statutory obligation of the lead Federal agency to comply with Section 106 (36 CFR § 800) of the National Historic Preservation Act, which requires the Federal agency to take into account the effects that their undertaking may have on historic properties.*

*Were either of those laws to apply, our office would be likely to request that an archaeological survey is conducted to verify the site locations and assess the potential effects of the project pursuant to the applicable historic preservation law. In addition, there are State laws regarding the discovery and/or intentional disturbance of human remains, this pertains to ALL lands in Alaska, including private. I have attached our handout regarding human remains.*

*Due to the lack of clear information regarding the site locations our office strongly encourages the use of a qualified cultural resource professional to verify the site."*

Mr. Gorman was available to answer questions. He stated that the State Park owns both sides of the beach road and will not permit a widening of the road according to the recently retired chief ranger of the park system.

Chairman Martin asked if there were questions for Mr. Gorman. Hearing none, the public hearing continued.

22. Xochitl Lopez-Ayala, 34910 Echo, Corner of Danver & Echo

Ms. Ayala stated that she currently resides in Homer but her family owns the property directly across from the proposed gravel pit. They would be looking up at a berm if they were standing at the edge of their property. She submitted a photo of what their proposed view would look like if this goes through.

Ms. Ayala wanted the commission to see that everyone drove down from Anchor Point, Homer and Anchorage to attend this meeting. She wanted the commission to make that same commitment to them that they are making at this meeting. Since there is a proposal to postpone, Ms. Ayala asked the commission to drive down to Anchor Point and look at this proposed site. That way they would see what the neighborhood is so passionate about.

Ms. Ayala stated that this has been really great for the community since it has brought them all together and she has gotten to know many of the neighbors that she didn't know before. They have all grouped together and found one common thing that they have all loved which is Anchor Point.

Ms. Ayala felt this proposal should be designated as a mine and not a pit. A mine is not good for them and is not good for Anchor Point. She stated there is a lot of passion that is at this meeting and asked that the commissioners recognize that. There are tons of people who want to talk and want the commission to hear their testimony. She asked that they read over the information and understand and do what is right for the public, not necessarily just to a private owner because it is affecting all of them.

Ms. Ayala asked that they realize that it was kind of odd that there are a lot of gravel pits and mine proposals going up now that the new gravel pit ordinance has been pushed back a year. She asked how many more they were going to see which creates a lot of red flags that should be seen to make sure someone isn't trying to skirt around something or get past something. Ms. Ayala asked that they look into why they are trying to do this; are they trying to sell to a corporation up in Anchorage or sell to an out of state investor.

Ms. Ayala asked that they keep what they love which is why they moved here to the Peninsula. She and her husband just relocated here from Juneau and now they are going to get to look at a mine pit and a berm.

Ms. Ayala thanked the commission and for everyone who attended this meeting. She felt this was hard on everyone.

24. Josh Elmaleh, 34885 Seabury Ct.

Mr. Elmaleh stated that he and his wife looked over many properties over the last couple of years. They purchased their place a year ago overlooking several probably half a dozen to a dozen houses that were beautiful houses and beautiful land but they were close to a gravel pit. He expressed opposition to the proposed pit.

Mr. Elmaleh stated that he caught his first king salmon in the Anchor River. He wants that same thing for his four-month old son and for his six-year-old daughter. He wants them to be able to enjoy the things that he got to enjoy. This is a piece of heaven.

Chairman Martin asked if there were questions for Mr. Elmaleh. Hearing none, the public hearing continued.

25. Lauren Isenhour, 34737 Beachcomber St.

Ms. Isenhour is the daughter of Emmitt & Mary Trimble. She lives on three acres that borders this subject property so this project is in her backyard. Ms. Isenhour understood and respects everyone's concerns and opinions. Also she understood the scope of what the permit allows, which is a lot and again reiterated that she certainly understood and respects everyone's concerns.

Ms. Isenhour stated that she and her husband live at their location for all the same reasons that everyone else has chosen to live in Anchor Point. They recreate, walk on that road, go to the beach, do all the things everyone else does, and loves it there. She was born and raised in Anchor Point.

Ms. Isenhour's parents have been in Anchor Point for 40 years and have made a living in real estate by developing and improving land. They have a great reputation of improving land, selling it and caring for the land. They are very meticulous in how they care for things and everyone can see that because they look out at this beautiful property. Her parents have bought the property and invested \$60,000 into improving it by clearing all the stumps, burning the burn piles, mowing it and caring for this property because that is how they care for land. They have done it for a long time.

Ms. Isenhour's parents have other subdivisions that they have developed in Anchor Point that are on solid gravel but they chose not to develop that into a gravel pit. They are land developers and not pit developers. As someone mentioned they do not have equipment and don't have a plan for operating procedures as people have been asking for detail information about that. She understood the scope of the permit and the concerns.

Ms. Isenhour stated that there is obviously a benefit to gravel and everyone in that community has benefited by the road development in that subdivision. All the subdivisions back in there all have used the gravel for their driveways and foundations and the majority of it from a previous pit right off of Danver that has been reclaimed, subdivided, sold and now homes are on the property. There is a balance and a need for gravel in Anchor Point. She stated that gravel is a main cornerstone to the infrastructure of Anchor Point and for the families that are employed by road construction, building residential construction and by the equipment that operates in the area. There are a lot of families that not represented here that are employed by it.

Ms. Isenhour reiterated that she understood and respected everyone's concerns and they do represent a portion of Anchor Point but there is another portion of Anchor Point that is fine with pit development. They understand the balance of it and that is why there are the regulations. They do need gravel. She respects her parents' ability to develop land in such a strategic and thoughtful way. There is a way with the regulations that the borough set to excavate some gravel and reclaim it. There are pit developers like Mr. Walt who use the permit as soon as they get it and start immediately to excavate gravel.

Ms. Isenhour's stated that her parents' primary interest in this property is the property. Other land developers' primary interest would be the resource below the property for financial gain. She understood that they are requesting a permit with a large scope and that it could be a gravel pit.

Ms. Isenhour lives right there too and her parents would like to build a house on the property. It is in their best interest as real estate investors who have fought for a long time to help maintain property and home values in Anchor Point. They have roots in the community and have an invested interest in maintaining a quality of life in Anchor Point. Their first home in the 1970's was on Beach Access Rd when it was a dirt trail where they operated a tackle shop. They have had an invested interest in this area for many decades and they have managed to develop land and provide a living for them and their family in this small area. They have done that with great care for property and for land and is something, they have instilled in her and her sister which is care for the land.

Again, Ms. Isenhour reiterated that she understood the concerns in this room about the scope of the permit and what could potentially be there. This is her area too and she has a lot of respect for her parents and how they care for the land. Some previous speakers, Lynn Whitmore who has been a good friend of her parents for a long time and Phil Brna who has the property next door, neither chose to mention that her parents' voluntarily built a 14-foot berm along their property at their own cost; to try to protect them when they were not required to do so. Her parents are the type of people to do those things.

Chairman Martin asked if there were questions for Ms. Isenhour.

Commissioner Carluccio asked if she was saying that her parents don't have any plans to develop this right now, that they just want to get this gravel pit on the books. Ms. Isenhour replied that she could speculate at what she thought their plans were. She understood that their primary plan for the property was to own it and what they want above all else is to own the property in its entirety. They have plans to subdivide it but that doesn't mean they are going to enact that plan. Her opinion is that they would like the permit to potentially do a gravel pit.

Commissioner Fikes understood that she was near the location of the mining and asked what kind of impact would there be on her personal well. She also asked how far her well was from this proposed pit. Ms. Isenhour replied that she wasn't sure.

Hearing no further comments or questions, the public hearing continued.

26. Gina DeBardelaben, McLane Consulting, Inc.

Ms. DeBardelaben was a principle engineer for McLane Consulting and was hired by the property owner to survey and prepare the permit application.

Ms. DeBardelaben pointed out that the Anchor River Road is a State owned and maintained road. DOT enforces the required gross vehicle weight measure on the bridge, speed, proper use of lane, shoulders, the health and use of the road. It doesn't apply to the borough CLUP permitting process.

Ms. DeBardelaben stated that there is a well within 100 feet of the property but not within the proposed extraction area. There are fine points about the permit that always needs to be read that sometimes isn't interpreted well in public meetings. She hoped that the commission would read the fine points and read the notes in the permit application.

Ms. DeBardelaben stated that gravel extraction from a material site is usually based on perspective sales as it is with this site. This site is not being permitted for a DOT or a commercial development project. The amount of material to be utilized is just a perspective, which is why the application states less than 50,000 square cubic yards. That number is usually based on the area and DNR permitting changes with greater than and less than 50,000 yards. The reality of 50,000 cubic yards coming out of this material site in a year is not very realistic. A large gravel sale in a rural area like this would be 10,000 yards or maybe 25,000 yards which would equate (it is still a lot) to less than 1,500 trucks, not 5,000 trucks. If they are going to sell a large amount of material, then they are not going to run it in a 10-yard end dump but would be running a side dump or belly dump.

Ms. DeBardelaben stated that there was one test hole dug at the time of application. There have been additional test holes dug since then. She continues to state that a developer or an operator continue test hole for groundwater and for different materials that meet specification as they enter the pit. All roads have a specification that the material has to meet. They are going to move around, dig test holes and constantly test groundwater if it varies. The whole requirement is that they stay 2 feet above it.

Ms. DeBardelaben stated that the owner would be installing monitor wells. She stated that it is a great benefit to the owner and the borough by putting monitor wells on the property. It gives them some comprehensive data on a quarterly or monthly basis of where the groundwater was. They are proposing that they might do that in the future even though this permit is not to enter the groundwater table.

Ms. DeBardelaben also referred to the other concerns of site buffers that were mentioned. She was available to answer questions.

Chairman Martin asked if there were questions for Ms. DeBardelaben. Hearing none the public hearing continued.

27. Emmitt Trimble

Mr. Trimble was the managing member of the Beachcomber, LLC and the principal applicant. He was available to answer questions as he did, voluntarily, in Anchor Point last Wednesday. There were a number of things that could be clarified but most of them were not pertinent to what the commission will be deliberating on so he was not going to try to counter those things.

Chairman Martin asked if there were questions for Mr. Trimble.

Commissioner Ruffner asked what his thoughts were on staff's recommendation for postponement. Mr. Trimble replied that he had no problem with postponement. Commissioner Ruffner stated that there will be the opportunity to ask further questions since staff was recommending postponement and the applicant had no problem with postponement.

Mr. Trimble stated that he gave some photos to staff that showed the berm that he put up. They were able to install an extensive berm in about three hours, mostly as a demonstration as to what could be done blocking those homes. There were about five homes that he could not see from the top level of excavation area with the berm, which could be replicated moving back. Mr. Trimble stated that he was not in the gravel business but it was part of the asset value of this property and it was incumbent upon him to protect his family and their investment to maximize that possible value. What he would like to do with the property was really his own business. He has a subdivision plan but he has no intention for preliminary approval, it is just that he wants to know that he has done his homework ahead of time. They have taken a few loads of gravel out of the pit for the ramp at the boat launch ramp and for the expansion of the parking area. He does intend to pursue this.

Commissioner Carluccio asked if he had intention of developing this property as a gravel pit. Mr. Trimble replied that they have already started developing this as a small gravel pit that was within the one-acre confines. He wants to go through this procedure, submit himself to the process, live up to the permit if and when he gets it so that he would be able to do whatever the permit will allow him to do. His plan was a small

scale being for local projects. All of those home and people have those properties because Buzz Kyllonen took a small pit, built all those roads and driveways, and provided the gravel for almost all of those people or those properties would not be there now. It was now one of the nicest looking properties in the area.

Commissioner Venuti asked if he heard the concerns from the people regarding the hazards of trucks on the haul road as well as the condition of the bridge that goes over the Anchor River. He presumed that any haul road out of the pit would go over the bridge. Mr. Trimble replied that it is not possible to go over that bridge now. It has been condemned which is why people are having to drive from the North Fork Road all the way to Eight Mile and back down the Old Sterling Highway to bring gravel to the beach. He stated that it was going to be rebuilt within a year or two. Right now, there are gravel trucks going up and down Danver all the time. Mr. Trimble stated that he has no problem with the big boats going up and down that road. He and Mr. Kyllonen got that road paved through a maintenance budget with DOT for \$150,000 because they gave them permission to go through their properties.

Hearing no further comments or questions, the public hearing continued.

28. Don Horton, 34910 Echo

Mr. Horton stated that his father said that the property was directly across the street from the proposed gravel pit. He asked if the permit was attached to the property or attached to the owners of the property if a permit is issued. If the property was sold, does the permit stay with the property.

Chairman Martin replied that the permit is attached to the property.

Mr. Horton stated that the applicant wants to maximize the value of his property while it was at the expense everyone's property around it. He thought that was not right.

29. Richard Carlton, 73500 Seabury Rd.

Mr. Carlton was a retired lineman and fell in love with the Anchor Point River area in 1996 when he started coming up here regularly. He and his wife purchased a piece of ground in 2007. Mr. Carlton stated that this was very emotional thing for him because he fell in love with the place which has a lack of noise. He spent 40 years hearing backup alarms and backhoes.

Mr. Carlton goes to his property and sits on his patio and looks out at Iliamna and drinks his coffee and he is in heaven. It is a wonderful thing. He has wonderful neighbors that care about one another. If they need something, then they help each other. If they are making too much noise, then they say something and they quiet down. It is a great life.

Mr. Carlton doesn't know why it matters who owns the road that goes to the beach. The bridge is condemned. The Old Sterling Highway is a hazard and if they take just a 10 -12-yard dump truck by itself and drive it up and down that road with its Jake brakes, that quiet goes away.

Mr. Carlton stated that there are all these RV Parks. The Buzz Kyllonen RV Park was where they fell in love with the area. They come here year after year and it's right across where one of the entrances is to this Beachcomber road. He would take a rubber boat out and catch a halibut and then drive down to southeast Washington and plan for next year to come back up here. That will all change if a big hole is dug.

Mr. Carlton was kind of like the other people, he doesn't begrudge anyone making a living but this proposal has no place where it's at. People raise concerns about the Pebble Mine but it's a long way away. Maybe it could trash a lot of streams and salmon runs but he doesn't see it so it's not personal to him.

Mr. Carlton stated that if he has to drive to the Post Office and has to come up Danver and hear backup alarms or white noise then he was not going to enjoy the place liked he used to. He thought the commission should be able to have an input on this project regarding the road, safety and all the things expressed even though the borough doesn't have any jurisdiction with the road because it's a State Road. He asked that the commission to the right things.



**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Carluccio to suspend the rules so that public comment can be extended and to be able to finish the business beyond the normal closing time of 11:00 p.m.

**VOTE:** The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST ABSENT	FIKES ABSENT	FOSTER ABSENT	ISHAM ABSENT
MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		9 YES 3 ABSENT

30. Steve Haber

Mr. Haber felt that someone was going to die if this project goes through. He unfortunately had a high school incident with his son's school many years ago. A traffic light couldn't get installed until after three kids were killed. Mr. Haber stated that the commission might be under such tremendous pressure from the way they do this that this will be approved. This won't work with this beach road. Everything that everybody else has said about the views doesn't compare with the bike companies going up and down that road. The boat trailers are going 60 miles per hour who aren't obeying the laws either. He reiterated that somebody was going to die on that road but it could be prevented.

31. David Gregory, 73850 Seaward

Mr. Gregory lives near the proposed gravel excavation site, which is really a mine. He works at a mine and felt there was a place for mines. The mine that he works at is way out in a remote area.

Mr. Gregory expressed concern regarding noise and dust. The noise goes uphill where there are numerous homes. There may be only five homes that could be seen from one particular point but there are dozens up this hill that the noise will carry right up there as well as the dust. The dust can be carried by the wind or if the wind is still, it just hangs in the air.

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Bentz to postpone action and continue the public hearing until the next meeting of August 13, 2018.

Commissioner Ecklund stated that she would like to take action on this agenda item rather than postponing to the next meeting of August 13, 2018. They have heard the public and have read through the material prior to the meeting.

Commissioner Whitney concurred with Commissioner Ecklund.

There being no further comments or questions, Chairman Martin called for a roll call vote.

**VOTE:** The motion failed by majority consent.

BENTZ YES	CARLUCCIO NO	ECKLUND NO	ERNST ABSENT	FIKES NO	FOSTER ABSENT	ISHAM ABSENT
MARTIN YES	MORGAN NO	RUFFNER YES	VENUTI YES	WHITNEY NO		4 YES 5 NO 2 ABSENT

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Carluccio to approve the conditional land use permit application for a material extraction site on a parcel in Anchor Point.

Commissioner Ecklund believed they have sufficient findings to deny granting this permit based on the public testimony, the borough code as it is written now and the facts that were written in the staff report.

Commissioner Ecklund asked if they could even address this because the applicant requested a waiver for the processing portion of the pit and staff recommends denying the waiver request which would not allow them enough area for a processing plant. She asked if that would require a new submission of their application. Mr. Wall replied that the permit would be for the material extraction but to process the material there would be a narrow area within the material site. The material extraction would be approved but they would not be able to process outside of that narrow area which would be quite narrow if it was narrowed down to the 300 foot from the property lines. Commissioner Ecklund thought it would be 50 feet wide which would be a fairly narrow area.

Commissioner Ecklund stated that the motion was to approve the material site and asked if they had to address the waiver request. Mr. Wall understood the motion to approve as recommended in the staff report, which would include the denial of the waiver.

Commissioner Ruffner had hoped this would have been postponed as he had a couple of legal questions that he wanted to ask. He didn't think they had time to go through a memo that he was going to ask for. Commissioner Ruffner summarized where he believed they stood legally with looking at this and why he had to give this talk a number of times in an uncomfortable way. The Borough Assembly has given them the rules by which they are allowed as Planning Commission members to work under so they have put the sideboards up there that says what they can and cannot approve. The six criteria that staff have laid out which shows in their opinion that it meets those conditions. What he wanted to hear from his fellow commissioners is of those six criteria which ones, if they were going to vote against this, were not being met. That way he can understand where they would be deviating from what was presented in the staff report.

Commissioner Ecklund suggested the following findings.

#### *Findings*

1. Ordinance 21.29.040(A)(4), minimizes the noise disturbance to other properties. From the testimony she heard and the documents that have been submitted she felt the berms or the vegetated buffers will do justice to minimize the noise to other properties.
2. Ordinance 21.29.040(A)(5), minimizes visual impacts. She felt that the visual effects will not be reduced sufficiently with buffers and berms as they can't be built high enough.
3. The application was submitted without the seasonal high water determination. This was not sufficiently delineated in the application.
4. They need to determine if that well was within 100 feet of the material site.

Commissioner Ecklund stated that was her case and the vote would determine if they stated it in and if the motion failed to approve then there was follow up procedures that could be taken by the applicant.

Commissioner Ecklund asked what the appeal process would be for the applicant if this were denied. Mr. Wall replied that there is a 15-day appeal period once the notice of decision is issued. That appeal would go through the Clerk's office to a hearing officer. Anyone who testified or submitted written comments would have the ability to appeal. Commissioner Ecklund asked if the hearing officer would receive a transcript of any comments either those who verbally testified or submitted written comments. Mr. Wall replied yes, a transcript would be provided to the hearing officer.

Commissioner Ruffner explained the legal standing that they have at this meeting. They have the broad authority that has been given to the Planning Commission according to Borough Code. It is 240.050 which authorizes the planning commission to consider all the factors in everything they do and make a good determination. Later on, KPB 21.25 lays out the procedures for when they would authorize a conditional land use permit which has several steps. Now there is KPB 21.29 which is the code specifically relating to gravel pits. His understanding of their interpretations of how they have gotten to this point in the past has been that KPB 21.29 really lays out what can be done with buffers and what limitations they could put on a pit operator. Those are handed down to them from the Assembly. Previously, they have heard that the KPB 21.29 is the code that governs their decisions. Looking further up the code where they have broader latitude has not been afforded to them in the past. That has been his understanding and asked if legal counsel could give any clarification or corrections to that.

Ms. Montague replied that was a good summary. One thing that she would add would be that it was not just a matter of the ordinance that was adopted later in time but also the ordinance that was most specific to what they are reviewing which in this case is KPB 21.29. KPB 21.29 very specifically addresses materials sites so that has more weight than a very general purpose clause. For example, the Planning Commission can review the public health, safety and welfare. She stated that the very specific criteria in KPB 21.29 is how the Assembly has chosen to protect the public health, safety and welfare.

Commissioner Carluccio stated that KPB 21.29 says that 50 feet of vegetation and a ten-foot berm was one of the criteria yet the pit was lower than all the surrounding area so the 50 foot does not do anything. She asked if they have some authority to say that this is the letter of the law but was not the intent of the law because the intent of the law was to protect the surrounding landowners. Ms. Montague replied that the intent of the law was to protect the surrounding landowners in the way that the Assembly has laid out in the Borough Code.

Chairman Martin felt it was the unique topography that gets them in this corner right now. It is hard to foresee all the different ramifications of a crater.

Commissioner Carluccio agreed and stated that she would not be able to support the motion in granting approval of the permit.

Commissioner Bentz observed that the staff report states that the proposed extraction meets the material site standards in KPB 21.29, minimizing noise disturbance from other properties but she does not agree with that. She thought that these conditions would not minimize noise disturbance to other properties and will not minimize visual impacts.

Commissioner Morgan agreed as well and did not see how the 50-foot buffer or berms would minimize visual impact or sound impact because of the unique topography.

Commissioner Ruffner thought the commissioners did a good job of laying out the record of why and how they were going to vote. This will most likely be appealed if it is not approved. If it is appealed, then he thought the hearing officer will have a good record from the Planning Commission of why they thought it might not meet those criteria of being able to screen the vegetation.

There being no further comments or questions, Chairman Martin called for a roll call vote.

**VOTE:** The motion failed by majority consent.

BENTZ NO	CARLUCCIO NO	ECKLUND NO	ERNST ABSENT	FIKES NO	FOSTER ABSENT	ISHAM ABSENT
MARTIN YES	MORGAN NO	RUFFNER YES	VENUTI YES	WHITNEY NO		3 YES 6 NO 3 ABSENT

Chairman Martin thanked everyone for the effort and sacrifice it took to come to this hearing. He encouraged them to stay connected as a community.

**AMENDMENT MOTION:** Commissioner Ecklund moved, seconded by Commissioner Carluccio to attach the following findings to the denial of the conditional land use permit for the Anchor Point material extraction site.

*Findings*

1. Borough Code 21.29.040(A)(4), the noise will not be sufficiently reduced with any buffer or berm that could be added.
2. Borough Code 21.29.040(A)(5), the visual impact to the neighboring properties will not be reduced sufficiently.

**VOTE:** The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST ABSENT	FIKES YES	FOSTER ABSENT	ISHAM ABSENT
MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		9 YES 3 ABSENT

AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KPB 21.18) - None

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING – None

AGENDA ITEM I. SPECIAL CONSIDERATIONS - None

AGENDA ITEM J. SUBDIVISION PLAT PUBLIC HEARINGS

Chairman Carluccio reported that the Plat Committee reviewed and conditionally approved 5 preliminary plats.

AGENDA ITEM K. OTHER/NEW BUSINESS - None

AGENDA ITEM L. ASSEMBLY COMMENTS – None

AGENDA ITEM M. LEGAL REPRESENTATIVE COMMENTS - None

AGENDA ITEM N. DIRECTOR'S COMMENTS

Mr. Best reported that the Assembly did not have a meeting since the last Planning Commission meeting.

Chairman Martin asked if there were questions for Mr. Best. Hearing none, the meeting continued.

AGENDA ITEM O. COMMISSIONER COMMENTS

AGENDA ITEM P. PENDING ITEMS FOR FUTURE ACTION

AGENDA ITEM Q. ADJOURNMENT

**MOTION:** Commissioner Carluccio moved to adjourn the meeting at 11:24 p.m. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

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Patti Hartley  
Administrative Assistant

**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>

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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

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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

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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

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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 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>

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<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>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>
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<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>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.

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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.

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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 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

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 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

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 Danver 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.

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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 **CHAIRMAN MARTIN:** Any questions for the  
16 applicant? Ms. Carluccio.  
17 **COMMISSIONER CARLUCCIO:** Yes, thank you  
18 for testifying. I think it was your daughter who spoke  
19 before --  
20 **EMMITT TRIMBLE:** Yes, ma'am. Quite proud  
21 of her.  
22 **COMMISSIONER CARLUCCIO:** -- 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?

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1 **EMMITT TRIMBLE:** 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 **COMMISSIONER CARLUCCIO:** 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 **EMMITT TRIMBLE:** Which one?  
22 **COMMISSIONER CARLUCCIO:** That really  
23 doesn't pertain to what we're talking about, so...  
24 **EMMITT TRIMBLE:** No, the other property,  
25 that was -- that was in 1975 when I first came there,

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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 **COMMISSIONER CARLUCCIO:** Okay. Thank  
8 you.  
9 **EMMITT TRIMBLE:** Thank you.  
10 **CHAIRMAN MARTIN:** Any other questions for  
11 the applicant? Mr. Venuti.  
12 **COMMISSIONER VENUTI:** Thanks for coming,  
13 Mr. Trimble.  
14 **EMMITT TRIMBLE:** Yes, sir.  
15 **COMMISSIONER VENUTI:** So you heard  
16 concern from the people who testified --  
17 **EMMITT TRIMBLE:** Sure.  
18 **COMMISSIONER VENUTI:** -- 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 **EMMITT TRIMBLE:** Well, that's not

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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 **COMMISSIONER VENUTI:** Okay. That was a  
8 concern.  
9 **EMMITT TRIMBLE:** 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 **COMMISSIONER VENUTI:** Thank you very  
23 much.  
24 **EMMITT TRIMBLE:** You bet.  
25 **CHAIRMAN MARTIN:** Anyone else?

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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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	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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