



Appeal Hearing Summary

October 30, 2019

10:00 AM

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building

CALL TO ORDER

The Kenai Peninsula Borough appeal hearing convened on October 30, 2019, in the Betty J. Glick Assembly Chambers of the George A. Navarre Kenai Peninsula Borough Administration Building in Soldotna Alaska. Hearing Officer L. Anmei Goldsmith called the meeting to order at 10:00 a.m.

There were present:

L. Anmei Goldsmith, Hearing Officer
Johni Blankenship, Borough Clerk
Max Best, Director of Planning
Sean Kelley, Deputy Borough Attorney
Bruce Wall, Planner
Michele Turner, Deputy Borough Clerk

Case No. 2019-01-PCA: In the matter of the Kenai Peninsula Borough Planning Commission's decision to approve 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.

PRELIMINARY MOTIONS

(10:02:20)

Parties will be asked to present any motions on preliminary matters or raise any objections regarding such matters at this time. These motions may include challenges regarding standing, alleged procedural errors by Hearing Officer, the clerk, or any of the parties, objections to the record or evidence before the Hearing Officer, requests to supplement the record, and so on. These are just examples and not all-inclusive.

MOTION TO EXPAND THE RECORD to include the Planning Commission Manual and Excerpts of Planning Commission Minutes of June 24, 2019 and September 9, 2019 by Attorney Elsner.

Attorney Trinka objected to the motion.

Hearing Officer Goldsmith ruled to include the Planning Commission Manual, and denied the addition of the excerpts of the Planning Commission minutes of June 24, 2019 and September 9, 2019.

11:11:10

OBJECTION: Attorney Trinka objected to allowing Lawrence "Rick" Oliver's Entry of Appearance.

Hearing Officer Goldsmith ruled that Mr. Oliver's Entry of Appearance would be allowed.

[Clerk's Note: All parties who were offering testimony were sworn in by Borough Clerk Blankenship.]

STAFF OVERVIEW - EXPLANATION OF PROCEEDINGS (10 Minutes)

(10:15:41)

Max Best, Planning Director presented the staff overview.

APPELLANT (15 Minutes)

(10:21:40)

Hans Bilben

Represented by Katherine Elsner of Ehrhardt, Elsner & Cooley

Attorney Elsner and Hans Bilben gave their testimony.

PERSONS FILING ENTRIES OF APPEARANCE SUPPORTING APPELLANT POSITION

(5 Minutes Each)

(10:43:21)

- | | |
|-------------------------------------|------------------------------------|
| A. Gary Cullip not present | M. Vickey Hodnik 10:56:46 |
| B. Linda Stevens not present | N. G. George Krier 11:12:03 |
| C. Tom Brook not present | O. Lawrence "Rick" Oliver 11:17:52 |
| D. Linda Bruce not present | P. Gary Sheridan 11:25:57 |
| E. Michael Brantley not present | Q. Eileen Sheridan 11:32:14 |
| F. Shirley Gruber not present | R. Steven Thompson not present |
| G. Joseph Sparkman not present | S. Philip Brna not present |
| H. David Gregory not present | T. Linda Patrick not present |
| I. Theresa Ann Jacobsen not present | U. Mike Patrick not present |
| J. Lynn Whitmore 11:47:45 | V. James Gorman not present |
| K. Xochitl Lopel-Ayala 11:13:44 | W. Marie Carlton 10:45:45 |
| L. Todd Bareman not present | X. Richard Carlton 10:50:44 |

Y. John Girton not present
Z. Joshua Elmaleh not present
AA. Christine Elmaleh not present
BB. Donald Horton 11:02:26

CC. Lori Horton not present
DD. Pete Kinneen 11:03:14
EE. Angela Roland not present

APPLICANT (15 Minutes)

(11:56:04)

Emmitt Trimble dba Beachcomber, LLC
Represented by Holmes, Weddle & Barcott, PC

[Clerk's Note: Attorneys Chantal Trinka participated in person at the hearing and Stacy Stone participated by phone. Both attorneys were from Holmes, Weddle & Barcott, PC.]

Attorney Trinka and Emmitt Trimble gave their testimony.

PERSONS FILING ENTRIES OF APPEARANCE SUPPORTING APPLICANT'S POSITION

(5 Minutes Each)

(12:17:48:)

- a. Lauren Isenhour not present
- b. Allison Trimble Papparoa 12:18:15
- c. Gina DeBardelaben not present
- d. Danica High not present

APPELLANT'S REBUTTAL (5 Minutes)

(12:23:48:)

Hans Bilben
Represented by Katherine Elsner of Ehrhardt, Elsner & Cooley

Attorney Elsner and Mr. Bilben gave a statement of rebuttal.

HEARING OFFICER'S EXAMINATION OF STAFF

(12:28:23)

Hearing Officer Goldsmith questioned Deputy Attorney Kelley and Mr. Wall.

ADJOURNMENT

Hearing Officer Goldsmith adjourned the hearing at 12:32 p.m.