

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

- 4. Conditional Land Use Permit: PC RES 2023-08
Applicant: Richard Gregoire
Landowner: Jerold Vantrease**

James Lack
PO Box 2999
Homer, Alaska 99603

May 18, 2023

KPB Planning Commission

To Whom it may concern,

I am in receipt of the KPB Planning Commission Notice of Public Hearing on the proposed CLUP for material extraction by Richard Gregoire, Parcel No 159-360-(09,10,11,12)

I have owned lot 13 in the same subdivision as the proposed site for about 10 years with the goal of building a hangar and home to retire in. It is a beautiful peaceful subdivision. I have finally saved sufficient funds to start the project only to be notified of a possible gravel pit 150' from my back yard. Faced with this the lot may no longer be suitable for a residence, and am stuck with paying taxes on a lot I cannot use or sell.

Considerations impacting the community. Tim Ave. has been identified as the access route to the site. There are a large number of residents that use, and live adjacent that will be impacted by the truck traffic.

All of Tim Ave is gravel. No mention in the application of dust or noise mitigation from the trucks or how to prevent dust damage to properties. **This is in conflict with KPB 21.29.040 A. 2, 3, and 4.**

The first mile of Tim Road between the Sterling Highway and Creekview Road is just wide enough for two passenger vehicles, and is questionable if wide enough for end dump or other large truck to get by a passenger vehicle. There are no pullouts, only private driveways. This presents a safety issue to vehicles using the road as well as pedestrians. The remaining section of Tim Ave between Creekview Road and the site is a single lane, with just enough room for one vehicle without any pullouts for trucks to let cars by. It has a steep blind hill and the portion that passes over the culvert at Happy Creek at the base of the hill is very narrow. This presents a significant safety issue to other users expected to share the road with commercial trucks.

This section of road is very fragile, and at times has to be repaired by residents. The section crossing Happy Creek sloughs off into the creek at times, and will not support regular usage by trucks. The crossing has been repaired in the past thanks to efforts of Danny Presley, Walter Blauvelt, and dues collected from the Hoffman Acres Lowell Field Homeowners. Regular use of this section of Tim road by commercial trucks will inevitably damage it. No mention of dealing with this or the previously mentioned issues of dust and noise mitigation.

This is in direct conflict with KPB 21.29.040 A. 2, 3, and 4.

Regarding the runway, a gravel pit on Hoffman Acres, Lowell Field is not consistent with the subdivision's purpose as a residential neighborhood and airport.

Regarding a possible float basin, AOPA recommends a minimum of 105' between the runway and the float basin. Any closer presents a safety hazard. Pursuant to this; excavation between the runway and float basin would not serve the building of a float plane basin, and would most likely result in a deviation from the 50:1 grade in the areas adjacent to the runway.

Regarding the FAA letter of no hazard; it appears that the FAA was not informed of the scope of the project, as there is no mention of the distance of the proposed berm from the runway or allowing a deviation from the 50:1 grade in the 250' Runway obstacle free zone (ROFZ), allowing the proposed excavation to 14' in the same area, or the float basin. If the applicant were to adhere to the 50:1 grade standard it would be 300' from the r

edge of the runway to the top of the berm. I suggest that a 50' buffer of undisturbed vegetation pursuant to KPB Chapter 21.29.050 A.2.a.i would be more appropriate, and would give the proper separation to meet FAA recommended safety standards. The applicant mentioned in the previous meeting that he did not have a market for a large amount of material from the site, so the minimal reduction in size most probably would not have a significant impact. In the interest of safety and the primary intended use of the subdivision for aviation, development should be done following guidelines set forth by the FAA in AC No. 150/5300-13B. and AOPA.

Concerns regarding the application:

The provided site plan shows only test holes on lots 2, 3, & 4 with the water table at 16'. There is anecdotal evidence that the original developer found the water table between 8' & 9' at the southern portion of subdivision. The applicant neglected to include test hole information regarding the southern lot #1. Prior to approval of the proposed 14' excavation depth, depth of water table should be verified on the South end of the site.

In the comments section and the site plan, the applicant requests a waiver to KPB 21.29.050 A. 3. Requiring material processing equipment to be operated at least 300' from the parcel boundaries. This deviation should not be allowed as it is apparent that the applicant did not exercise due diligence in the procurement of the property for material processing, or willfully intended to circumvent this requirement. In any event if the applicant cannot meet the 300' standard, material processing should not occur at the site. The applicant has the option of processing the material at another location more suitable to this activity. The burden should fall on the applicant to comply with the standards, not the community to bear the negative safety and quality of life impacts. At the previous meeting the applicant commented that there was not a lot of rock at the site so probably wouldn't need to use a crusher, so not allowing material processing wouldn't be a deal breaker. I would ask, what is the point of having an ordinance if only to grant waivers to it? The planning commission should not grant waivers to the standards that would have such negative impacts on the community.

Other considerations:

The runway adjacent to the site has no significant vegetation or buffers to inhibit disturbances of noise, fugitive dust, and allows an uninhibited view from adjacent properties into the site. Due to this the 50' buffer of natural undisturbed vegetation in addition to a minimum 6' earthen berm with at least a 2:1 slope should be used pursuant to the buffer requirements set forth in KPB 21.29.050 A.1.2.

Findings of fact item 19, dust mitigation. Winds in the area could drive dust from the project across the runway onto adjacent properties damaging structures and aircraft, and aggravating respiratory ailments of residents. It is doubtful that mitigation of dust through application of Calcium chloride and water will be adequate due to the drying nature of the winds. Calcium chloride is corrosive and poses a threat to aircraft in the vicinity and should not be used. **These are violations of KPB 21.29.040 A.2.3.4.5.**

The applicant should apply dust mitigation products that are not corrosive in nature and damaging to aircraft. Due to the magnitude of the proposed project, and the scope of negative impacts on the community the requirement of bonding per KPB 27.19.050 would be appropriate, and voluntary compliance on the part of the applicant would be an indication of good faith to complete the project in a conscientious manner.

In closing the project seems ill conceived.

There are conflicts with KPB Ordinance 21.29

There are significant deviations from FAA and AOPA safety standards that address runways.

The mention of a float plane basin on the surface appears to be a feeble ruse to grease the wheels of a questionable project.

There is no regard given to the safety of users of the roads in the community.

There is no regard given to the safety of airport operations.

There is little regard given to compliance with KPB ordinances to protect the community from physical damage to properties.

There is little regard for minimizing noise, visual, and dust impacts to the community.

In its' present form I am opposed to the CLUP.

If the applicant is indeed sincere with the intent of building a float plane basin, I would suggest it would more productive to engage in dialogue with property owners in the subdivision to conceive a plan that would be beneficial to the community as well as the developer.

I often use gravel products on the Kenai Peninsula, and in the event that I proceed to develop my lot in the subject subdivision I will need a substantial amount of gravel. Another nearby source would be a resource to utilize. I would be supportive of such developments when done in a proactive manner, and considerate of the community.

Thankyou

James Lack

Raidmae, Ryan

From: inua2@alaska.net
Sent: Wednesday, May 17, 2023 9:27 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>comment on conditional land use permit Hoffman acres Lowell field phase 1

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

This letter is to register my objection to the proposed conditional use permit, Hoffman acres Lowell field Phase 1- LOT 1,2,3,4 I am currently an owner in the adjacent lots, 31 and 32. This development is designed for residential lots and housing. A gravel pit is in no way compatible with the intended use of the property. Granting this conditional use permit will negatively impact not only the quality of life for current and future residents, but will destroy any property value that is currently held. Access to the proposed gravel pit is on Tim ave., which is not borough maintained, thus any commercial traffic on the unmaintained portion of the road will destroy access for current and future residents. The current stream crossing is already so narrow that any increase in heavy truck traffic will compromise the crossing. In addition, the proposed permit borders an Aircraft runway. The liability and inherent danger to aircraft should be evident. The proposed development also borders large swaths of marsh and wetland, again the non-compatibility should be evident. I implore that this permit be denied, as the monetary gain of one should not come at the expense of many.

Sincerely William Lovett
Lots 31 – 32

RE: Conditional Land Use Permit: Parcels 159-360-(09,10,11,12)

Dear Sir:


As a property owner in the Lowell Field area, owner of a lot directly adjacent to the proposed extraction site, I feel it is appropriate to give testimony regarding the proposed use of some (not all) of my properties there for extraction of gravel and sand. I listened online to the hearing held on that topic on Monday, April 12, and I took note of a few items of interest. For the sake of clarity, I will list them in numerical order.

- 1) Few of the folks who testified on Monday 4/12 actually live on their properties near Lowell Field. This should serve to limit most concerns about traffic safety, as it seems unlikely that folks who neither live nor work in the Lowell Field Subdivision will drive there often.
- 2) Every property owner who spoke had purchased their property with the knowledge that there was already an operational gravel pit in close proximity to the West side of Lowell Field. Evidently they did not feel enough concern regarding the potential for danger or annoyance from that existing pit to prevent them from purchasing their properties near to it.
- 3) The existing, active gravel pit uses the exact same roadway (Tim Avenue) as that which Gregoire Construction proposes to use. They transport gravel from that pit with dump trucks. I am not aware of any reports of traffic incidents regarding that usage, and no testimony to that effect was presented.
- 4) The existing portion of Tim Avenue to the East of the Borough maintained portion was most recently improved by a logging outfit, at little or no expense to the current property owners in the Lowell Field subdivision or to the taxpaying public. It is not marked or treated as a private drive. There is little doubt that Gregoire Construction will choose to make some improvement to the roadway in order to have good operational conditions for equipment transit, but this should not be required for approval of the conditional use permit currently under consideration.
- 5) Some of the testimony on 4/12 expressed concern regarding the weight of the loads which might be hauled out of the proposed extraction site on the East side of Lowell Field. The thought was that the loads might be too heavy for the road bed. The axle load on those trucks used by Gregoire Construction will be no greater than that of a standard 10-yard end dump such as any gravel operator might use, and when side-dump trucks are used the axle load will actually decrease.
- 6) The property proposed for gravel extraction is on the East side of the Lowell Field runway, well away from the property owners who have expressed opposition to this new development. Since they occupy properties to the West of Lowell Field, they will be separated and sheltered from any unpleasant activity by no less than the full 150 foot width of the runway, as well as by any intervening real estate West of the runway, in addition to the berm mandated in Borough ordinance. The terrain in the area under discussion is generally level, so no homeowner will be

forced to look downhill from their property and view the operation of a gravel pit from any residential vantage point in the vicinity.

Given these facts, and the fact that our proposed property use violates no Borough ordinance and that gravel extraction is, in fact, a necessary element of development on the Kenai Peninsula, I am asking that the Commission move to approve the conditional permit and allow our lawful request to proceed unhindered.

Respectfully submitted,



Jerold Vantrease

P O Box 1730

Homer, AK 99603

Testimony, Anne Kahn, property owner on Hoffman Acres, Lot 10

This testimony is in regard to the application for a gravel pit adjacent to Lowell Field (Parcel Numbers 159-360-, 09, 10, 11, 12) in Happy Valley, Kenai Peninsula Borough. The applicant is Richard Gregoire, the owner is Jerold Vantrease.

My first comment is that the time frame for adjacent property owners to receive and digest this proposal is wholly inadequate. The borough's allotted two weeks for notifying those potentially negatively impacted by gravel pits needs to be lengthened. The time frame should be one month minimum. Please pass this on to the borough assembly. I understand that this would mean a CODE CHANGE.

The letter was postmarked March 22. We received it on March 29 (Wednesday) and others reportedly received it two days prior, on March 27 (Monday). With the public comment meeting set for April 10 (Monday) we were scrambling to gather information. Written testimony is due even earlier, on April 7.

The "map" on the reverse side of the letter is totally inadequate. There is no legend, no street signage, no directional orientation. Surely the planning department can do better than this. At the very least, letters to property owners should include a link to a detailed and readable map.

Code 21.29.030 B Planning director shall provide vicinity, aerial, land use & ownership maps for each application.

Note mapS (plural). This single fuzzy map does not designate land use and ownership. The airstrip is not visible. This is a violation of code.

Ryan Raidmae in the Planning Department did return a call (both my husband and I left messages) and he led us through how to access the application. It was quite convoluted to navigate the website, and the application was only recently posted. This should be easily accessible and time-considerate public information.

Now that I have actually seen the application, I can quit, to some extent, operating on rumors. The application shows that once the gravel is excavated, a float plane basin will be established. This is not practical. My understanding is that a 105-foot setback for a parallel float plane basin from an existing airstrip is the minimum requirement. The borough should be bound to follow these regulations. I echo concerns of other property owners in the area regarding safety for aircraft.

"Plan notes state that final reclamation will include a float plane basin with appurtenances."

No reclamation plan is present in this application. To state that a float plane basin will be included in the reclamation but no specificities offered regarding how this project will be implemented, is a violation of :

21.29.060. - Reclamation plan.

A. All material site permit applications require a reclamation plan.

KPB 21.29.040 A.2. protects against physical damage to other properties.

With inadequate buffer zones between the airstrip and the mining area (50 feet of natural vegetation, or a 6' earthen berm, or a minimum 6' fence) there is every possibility of sloughing and damaging the shoulder of the airstrip. This is a community airstrip belonging to all residents in Hoffman Acres.

I request that the applicant amend the application to provide for a larger buffer on the west side of the excavation site where it abuts the existing airstrip to include a 50 foot natural vegetation buffer PLUS a 6-foot high berm.

No mention is made in the application of what will happen to all the trees. Will the big spruce and birch be buried? Sold for firewood? I request that the developer consult with property owners who might be interested in purchasing firewood from the clearcutting. This should be offered at a reduced market price to those in proximity, as it would save the developer time from hauling the trees to another location.

According to the original developer, there are differences in the water table levels from one end of the airstrip to another. These need to be documented since they contradict what is cited on the application. Depth of water table should be verified on the South end of the site by the applicant.

With so much subsurface gravel and sand, how will the lake be filled and replenished? There is no stream nearby, and not enough clay to keep the basin from draining and drying up without a liner. NEEDS STUDY& CLARIFICATION, AS WELL AS INPUT FROM PROPERTY OWNERS

If this theoretical float plane basin is ever realized, who will have access to it? Will there be fees for landing? How would it be operated? NEEDS STUDY & CLARIFICATION, AS WELL AS INPUT FROM PROPERTY OWNERS

Access to Hoffman Acres/Sonny Street is difficult due to several factors: 1. The Borough does not maintain the last half-mile 2. The road is quite narrow from the Sterling Hwy and narrows even more on the last, non-borough maintained stretch 3. This last stretch essentially allows for only one vehicle on the road at a time, and big trucks hauling gravel would be a huge

SAFETY hazard 4. The culvert at Happy Creek , where the road dips down, cannot handle huge equipment going back and forth repeatedly. NEEDS STUDY

The creek has washed out the culvert in the past, and Dan Presley and Walt Blauvelt repaired it. At the very least, if the Gregoire application is approved, road improvement needs to be part of the plan. Furthermore, posting as to when this road work would occur is essential. Several people who live in Hoffman Acres have jobs and need to access the road. Those who fly in may unexpectedly find that they can't drive out for supplies because the road is under construction. NEEDS STUDY & INPUT FROM PROPERTY OWNERS

Road noise and fugitive dust are huge concerns for those living adjacent to the proposed gravel site. Everyone with land in the subdivision and beyond, whether living on the property or not, would be affected by a decrease in property values. Tim Avenue is a gravel road. No mention in the application of dust or noise mitigation from the trucks or how to prevent dust damage to properties. This is in conflict with KPB 21.29.040 A. 2, 3, and 4.

Dust Control by water and Calcium Chloride. Water ok, but Calcium Chloride is salt, toxic to wildlife, plant life and airplanes (metal fuselage and engines). How much, and where, would this be spread? Where will the water be pulled from, Happy Creek? Again, how much? NEEDS STUDY & CLARIFICATION Damage to personal property- aircraft and other vehicles would be a violation of KPB 21.29.040 A.2.

-“The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then travel East to the Sterling Highway.” The Sterling Highway is to the WEST, not the EAST. NEEDS MAP TO SHOW ACTUAL ROUTE

Specific questions regarding things in the application:

-What plants or microbes would be used for phytoremediation? I understand that this method is used to clean up contaminants. Why would this be necessary? What contaminants will the gravel extraction process produce? NEEDS CLARIFICATION

-“The application indicates that a permit modification to enter the water table will be submitted in the future.” What is this modification and why is it necessary? What is “the future”? NEEDS CLARIFICATION

-the float plane basin will be equipped with “appurtenances.” Specificity needs to be made as to what would be offered. NEEDS CLARIFICATION & DEFINITION OF APPURTENANCES

-“slopes steeper than 2:1 will be seeded.” Seeded with what? Grass seed? Would it be Native to Alaska? NEEDS CLARIFICATION

-“Bonding will not be required.” With no bonding, who is responsible if there are accidents or contamination? BONDING SHOULD BE REQUIRED

-“If water is encountered...” What if the excavator digs too deep and the 2-foot high barrier collapses and floods the airstrip? I have severe concerns about the liability here. NEEDS CLARIFICATION & STUDY Potential violation of KPB 21.29.040 A.2.

-“The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then travel East to the Sterling Highway.” The Sterling Highway is to the WEST, not the EAST. NEEDS MAP TO SHOW ACTUAL ROUTE

-Noise disturbance: Equipment cannot be operated between 10pm and 6pm. That does not leave many potential quiet hours in the day. What about weekends? I recommend a CODE CHANGE

-Please describe the appeals process and timelines.

I urge the borough to turn down this application as written. Specificity is sorely lacking. It does not illustrate thorough planning. It has been rushed, and property owners have been forced to do the homework that the Borough Planning Commission and the applicant should be doing. This takes a tremendous amount of time, for which we are not compensated.

Thank you, Anne Kahn

Brian and Tiffany Wilkes
50192 Silverspring Lane
Nikiski, AK 99635

April 6, 2023

Good afternoon Planning Commission Chairman,

This letter concerns the CLUP for material extraction by Richard Gregoire, Parcel No 159-360-09, 10, 11, 12 Happy Valley Area, properties located within a planned recreational/residential airport. Please see attached Plat 2006-36.

9/12/22 we purchased a new log cabin on Lot 14 Hoffman Acres Lowell Field in Happy Valley with the intent to turn it into a VRBO. We are currently enjoying the beautiful, peaceful wooded area on weekends while we prepare the cabin for renters. Our cabin would provide work for local maintenance and cleaning people and potentially provide business to local fishing and flying guides.

10/20/22 and 11/23/22 Mr. Vantrease closed on 4 properties across the airstrip from us. Our realtor had mentioned someone was potentially purchasing them, but nothing was said about turning them into a gravel pit or float plane basin, nor was the Airport Manager notified.

During the winters months a snowmachine crossed our property between our well and a tree so closely that we feared someone would rip the wires out of the well. We installed an orange stake with reflectors to protect it. We have concluded the snowmachiner was hired to measure the distance from the proposed pit, but no one communicated this to us. We have no objections with the measurement, but a notification would have been appreciated.

Our preference would be for you to deny the application, but we have come to understand that as long as the Applicant follows KBP Ordinance that is not an option. With that in mind we propose the following:

- 1) The ridge on which the subdivision is built is very windy and we would appreciate the protection of a 50' buffer of natural undisturbed vegetation along the West border.
- 2) We respectfully request the processing setback waiver be denied. But, if not, please waive the East side instead of the West as no one lives East of the properties.
- 3) As previously submitted, road maintenance from Creek View Road to Sonny Street is funded by the residents of Hoffman Acres. We have strong concerns that the Happy Creek crossing will not withstand heavy truck traffic. Should the Application be approved, we request the Applicant improve the road and creek crossing to ensure everyone's safety, including their workers.

We have purchased gravel from an existing pit near another property and appreciate the service they provide, but this isn't the best location for another one.

Thank you for your consideration of requests,

Brian and Tiffany Wilkes

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. 2" ALUMINUM CAP ON 5/8" REBAR PLACED AT ALL PROPERTY CORNERS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED.
6. THIS PLAT VACATES ALL PROPERTY LINES, RIGHTS-OF-WAY, UTILITY EASEMENTS AND CLEARING EASEMENTS DEDICATED OR GRANTED OR PARENT PLAT OF HOFFMAN ACRES, HM74-2195, APPROVED BY THE BOROUGH PLANNING COMMISSION AT THE MEETINGS OF FEBRUARY 27, 2006 AND MAY 22, 2006.
7. AIRCRAFT USAGE ON A BOROUGH RIGHT-OF-WAY IS NOT A COMPATIBLE USE AND WILL NOT BE PERMITTED.
8. EXCEPTIONS TO KPB CODE GRANTED BY THE KPB PLAT COMMITTEE ON JANUARY 23, 2006; 20.20.180 (3:1 DEPTH TO WIDTH RATIO) FOR TRACT A; MAY 22, 2006: 20.20.200 (ALL LOTS SHALL ABUT A DEDICATED STREET) AND 20.20.16 (MAXIMUM BLOCK LENGTH OF 1400 FEET).
9. THE BASIS OF BEARINGS IS TRUE NORTH FROM GPS OBSERVATION AT THE NORTH 1/4 CORNER OF SECTION 4.

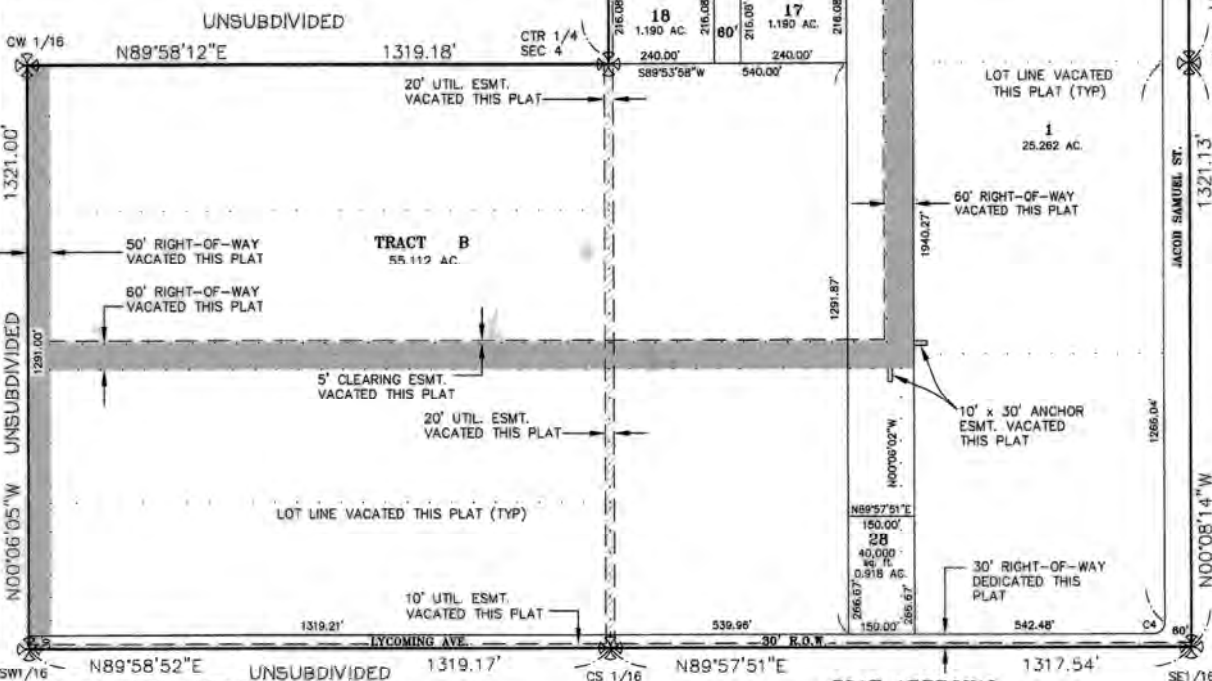
LEGEND

- SET 2" AL CAP ON 5/8" REBAR AT ALL PROPERTY CORNERS
INDICATES RIGHT-OF-WAY VACATED
- 2-1/2" BRASS CAP ON 3/4" G.I.P. 7610-5 (2006) PER RS2006-23
FOUND 2-1/2" GLO BRASS CAP

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	39.23	25.00	89°54'27"
C2	39.31	25.00	90°05'33"
C3	39.26	25.00	89°59'06"
C4	39.31	25.00	90°06'04"

WASTEWATER DISPOSAL - LOTS 1-4, TRACT A & TRACT B:
THESE LOTS ARE AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER: *Chad Hall*
DATE: 6-19-06
LICENSE: 68500



WASTEWATER DISPOSAL - LOTS 5 THROUGH 28:
SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER: *Chad Hall*
DATE: 6-19-06
LICENSE: 68500

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of January 23, May 8 and May 22, 2006, Kenai Peninsula Borough.

BY: *Chad Hall*
Authorized Official

KPB FILE No. 2006-15

CERTIFICATE OF OWNERSHIP and DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all public rights-of-way and grant all easements to the use shown.

JOEL MUMBY, Jr. President for QUALITY SERVICES INC.
P.O. Box 1071
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

For Joel Mumby
Subscribed and sworn to before me this _____ day of _____, 2006.

Notary public for Alaska.

My Commission Expires _____

FORMER TRACT 1

Thomas M. Haag
P.O. Box 4022
Homer, AK 99603

FORMER TRACT 2

Mark D. Wisner
P.O. Box 314
Anchor Point, AK 99556

Margaret Wisner

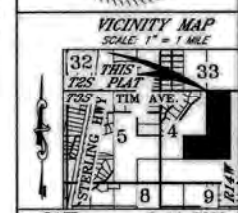
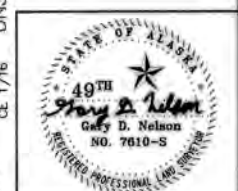
NOTARY'S ACKNOWLEDGEMENT

For Thomas M. Haag Mark D. Wisner and Margaret Wisner
Subscribed and sworn to before me this _____ day of _____, 2006.

Notary public for Alaska.

My Commission Expires _____

2006-15
Homer REC DIST
Date: 6-19-06
Time: 9:58 AM
Requested By: *Chad Hall*
Address: _____



DATE: 6-14-2006
SCALE: 1"=200'
JOB No: 3976
DRAWING: 3976

LOWELL FIELD PHASE 1

A SUBDIVISION OF TRACTS 1 THROUGH 16, VACATING ALL FORMER PROPERTY LINES AND ALL RIGHTS-OF-WAY WITH THE EXCEPTION OF "EAST ROAD", HOFFMAN ACRES SUBD., (HM74-2195), LOCATED WITHIN THE NE1/4, THE SW1/4 AND THE SE1/4, SEC. 4, T3S, R14W, S. W., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 158,431 ACRES

ABILITY SURVEYS
GARY D. NELSON, P.L.S.
(907) 338-8440
152 BENEH AVE., HOMER, ALASKA

Raidmae, Ryan

From: wilkesworks@alaska.net
Sent: Monday, April 3, 2023 8:44 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Conditional Land Use Permit Packet for Richard Gregoire Tim Ave. Happy Valley
Attachments: Creek View Rd intersection.JPG; Happy Valley Creek Crossing.JPG; Sonny St intersection.JPG

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good evening Planning Commission Chairman,
I would like to bring to your attention that the first sentence on page 4 of Richard Gregorie's CLUP application is not entirely accurate.

"Site access is from KPB maintained gravel road, Tim Avenue to Sterling Highway."

This error is repeated in the Background Information of the Staff Report.

"The ingress and egress of the parcels will utilize Tim Ave a Kenai Peninsula Borough Road."

Only the first mile of Tim Ave. is Borough maintained. After that it is reduced to single lane. Road maintenance from Creek View Rd. to Sonny Street is funded by the residents of Sonny St., Maule Ave and Lowell St. There is no maintenance on Tim Ave., past Sonny Street.

We have strong concerns that the Happy Valley creek crossing will not withstand heavy truck traffic.

Please see attached photos. I have more pictures of the creek crossing construction, if you would like them.

If the application is approved, we request you require the Applicant to bring the road up to Borough Road Standards .

Thank you,
Brian and Tiffany Wilkes

On Mon, 3 Apr 2023 16:30:31 +0000, "Raidmae, Ryan" <rraidmae@kpb.us> wrote:

Hi Tiffany,

Please find the attached Conditional Land Use Permit for Richard Gregoire and the Anchor Point Advisory Planning Commission Agenda for April 6. Please let me know if you have any questions.

Thanks,

Ryan Raidmae

KPB Planner

Donald E. Gilman River Center

Ph: (907) 714-2462

KENAI PENINSULA BOROUGH

514 Funny River Road

Seldovia, Alaska 99669





Creek View Rd Intersection



Happy Valley Creek Crossing



Sonny St Intersection

To the board concerning Hoffman Home Acres Lowell Field Parcel Numbers 159-360-, 1, 2, 3, 4

Hello, I am Dan Presley, manager of the Hoffman Home Owners Association.

The very first thing I noticed is that the KPB Borough ordinance 21.25 060 isn't being totally followed. A note to the borough planning- one thing all the Home Owners will say is that there has not been enough lead time to take all this in. From getting a letter informing us that a gravel pit is about to come, to having any and all comments in by 2 weeks from when the letter was sent- and some didn't even know about, to having a ridiculous zoom meeting rather than a public meeting is absurd.

KPB 21.25 060 states:

Notice of pending application shall be published two times in a newspaper of general circulation in the local area in which the land use is proposed. The notice shall be posted in the post office of the impacted community. At the beginning of notice period, a copy of the notice shall be sent by regular mail to the affected owner and/or leaseholders of record of property with in a radius of ½ mile of the subject property. The notice shall contain a description of the proposed location, the type of land use, the applicants name, where written comments may be submitted, and the date time, and location of the public hearing.

I called the Homer news; on 4/1- they had no notice of application submitted to them for posting. The clarion told me it was posted 3/30. Yet was it twice? There has been no Notice of application for land use posted in the Ninilchik post office or the Anchor Point post office.

Letters did get sent out the 27th or so of March with a comment period of only allowed to April 7th. This quick notice seems way to rushed to be an honest effort.

The 2nd question I have-is how the Applicants Richard Gregoire and owner Jerold Vantrease will address the road and culvert crossing? The culvert is approximately 5' diameter, 20 foot long, steel boiler taken from Valdez and put in beside a smaller galvanized culvert that is half filled with gravel. This road is not in very good shape- it was put in by loggers on the section line and was primarily used during winter operations. The high Sept. rainfall of 12.79" in 2012 nearly washed the road out.

In June of 2013, Walt Blauvelt did some mitigation, of which the Hoffman HOA paid for half, restoring it to its present condition, which is passable for cars and pickups, but not good enough to have a constant stream of trucks hauling gravel. The present road is not able to handle that traffic.

Safety for people that live and travel this road is paramount.

Currently the road west of Sonny Avenue is narrow and steep, on both sides of the Happy Valley creek. When a gravel truck pulling doubles, comes down the hill, there is no place for home owner traffic to get out of the way. If a person is driving East- and there is a huge truck coming West at them: where are they go? There are no pullouts, and the road is not wide enough. For sure, the culvert is not wide enough. Discussions with the developer were that they would put in turnouts, which is a must. They also said they would work on the culvert situation, although they didn't specify. Will a culvert replacement take a review from US Army Corps of Engineers?

The 3rd question is- what is the end game? How will this gravel pit be mitigated? I here rumors of a floatplane basin. If so, where is the plan/application for that? On 4/4 Richard and Jerold met with a couple of us. He did show us a future plan and how they might carry that out. Where will this be put in action, other than on a piece of paper?

Not only that, the original developer said the water observed in the test wholes to the 2nd half of the runway was around 8'.

How close to the Airstrip will be the gravel pit? There should be a buffer of at least 105 feet- the applicant is asking for a waiver of the 300' exclusion and discussions with Richard and Jerold said basically the 45' from the edge of the strip and a 26' foot addition for berm or level ground- after the gravel is extricated below. 45+ 26 is 71' short for a suggested 105'. For me to be ok with this project going forward, the applicant Richard Gregoire and owner Jerold Vantrease should:

1. **Safety!** Upgrade the road to wide enough and thick enough that the road will not deteriorate with gravel truck usage and that 2 vehicles can pass safely. They have assured us that they intend to make it safe with some pullouts and an upgrade on the culverts. Corp of Engineer application? Before this is approved, are the KPB planning commission going to take any of these concerns into consideration? Or will the answer be that it is a private road? Can the homeowners see some kind of assurance in writing that these safety concerns will be addressed?
2. **Safety!** Shallow up the grade of the hills on both the east and west side of Happy Valley creek.
3. **Safety!** Dust mitigation controls- use calcium Chloride or some other option. But that needs more study
4. **Safety!** What about the rest of Tim Avenue? It is barely wide enough for 2 pickups, much less for a large gravel truck and a pickup.
5. What is to be the final outcome? Jerold and Richard showed us a drawing of a proposed floatplane basin. If so what is the time frame for that to be completed? They mentioned a possible 7-8 years. Is there a way for them to put it in part of the Proposed land use? The water table is 16'. The proposed depth is for 14'. How will that be filled with water? How will that be maintained? There was mention of clay as a barrier to keep the water in. All of these things have possibilities, but there is nothing in writing. **Safety!** After talking with AOPA rep, a floatplane basin should be no closer than 105 feet from the edge of the runway.

Raidmae, Ryan

From: Devan Wilson <DWilson@ci.homer.ak.us>
Sent: Tuesday, April 4, 2023 4:53 AM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Tim Ave Comments about the Conditional Land Use Permit for a Material Site

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good morning,

I am a current resident living off of Tim Ave and have some comments about the potential gravel pit.

Tim Ave is not maintained by the borough passed Muir Street. The applicant either lied or was not aware because they failed to do their research or didn't see the "end of borough road maintenance" at Muir Street. From Muir to Sonny street the roads are maintained by the homeowners. Also it is extremely important to know that the culvert placed in Happy Creek is not rated for heavy equipment or oversized vehicles and if that culvert is damaged or becomes unpassable then that would leave multiple families stranded, because that's our only road out. Another thing to take into consideration is that Tim Ave is one of the main access roads to Native and DNR land for multiple recreation uses and hunting. Having more traffic and hazards on this road without borough helping to maintain it is unfair to the homeowners and out right wrong. Please take my comments into consideration before processing this permit.

Thank you.

Respectfully,
Devan Wilson



Homer Police Dept
Public Safety Dispatcher I
625 Grubstake Ave
Homer, AK 99603
P: (907)235-3150
F: (907)235-3151
dwilson@ci.homer.ak.us

James Lack
PO Box 2999
Homer, Alaska 99603

April 5, 2023

KPB Planning Commission

To Whom it may concern,

I am in receipt of the KPB Planning Commission Notice of Public Hearing on the proposed CLUP for material extraction by Richard Gregoire, Parcel No 159-360-(09,10,11,12)

I have owned lot 13 in the same subdivision as the proposed site for about 10 years with the goal of building a hangar and home to retire in. It is a beautiful peaceful subdivision. I have finally saved sufficient funds to start the project only to be notified of a possible gravel pit 150' from my back yard. Faced with this the lot may no longer be suitable for a residence, and am stuck with paying taxes on a lot I cannot use or sell.

Considerations impacting the community. Tim Ave. has been identified as the access route to the site. There are a large number of residents that use, and live adjacent that will be impacted by the truck traffic that are outside of the 2640' notification area. They should be notified and be given the opportunity to respond considering the safety concerns and potential damage to their properties.

All of Tim Ave is gravel. No mention in the application of dust or noise mitigation from the trucks or how to prevent dust damage to properties. **This is in conflict with KPB 21.29.040 A. 2, 3, and 4.**

The first mile of Tim Road between the Sterling Highway and Creekview Road is just wide enough for two passenger vehicles, and is questionable if wide enough for end dump or other large truck to get by a passenger vehicle. There are no pullouts, only private driveways. This presents a safety issue to vehicles using the road as well as pedestrians, as the shoulder is steep and there is nowhere for pedestrians to get out of the path of trucks.

The remaining section of Tim Ave between Creekview Road and the site is a single lane, with just enough room for one vehicle without any pullouts for trucks to let cars by. It has a steep blind hill and the portion that passes over the culvert at Happy Creek at the base of the hill is very narrow. This presents a significant safety issue to other users expected to share the road with commercial trucks.

This section of road is very fragile, and at times has to be repaired by residents. The section crossing Happy Creek sloughs off into the creek at times, and will not support regular usage by trucks. The crossing has been repaired in the past thanks to efforts of Danny Presley, Walter Blauvelt, and dues collected from the Hoffman Acres Lowell Field Homeowners. Regular use of this section of Tim road by commercial trucks will inevitably damage it. No mention of dealing with this or the previously mentioned issues of dust and noise mitigation.

This is in direct conflict with KPB 21.29.040 A. 2, 3, and 4.

Regarding the runway, a gravel pit on Hoffman Acres, Lowell Field is not consistent with the subdivision's purpose as a residential neighborhood and airpark. The site plan as provided is not conducive to the mentioned intent of a float plane basin.

FAA standards for runways serving small aircraft mandate a Runway Obstacle Free Zone (ROFZ) of 250' with a grade of no more than 50:1. This extends 50' into the lots bordering the runway. **The proposed 6' berm, and 2:1 slope is in direct violation of this standard.** The proposed 6' berm is a significant hazard to aircraft using

the runway, and knowingly violating this standard will open up associated parties to legal liability in the event of a mishap.

The runway is currently usable by small aircraft to include B90, B100, BE18T, and PA31-350.

The proposed 6' berm next to the runway would be an obstruction during takeoff and landing, and the mentioned aircraft would be unable to turn around on the runway due to the lack of wing clearance.

Regarding a possible float basin, AOPA recommends a minimum of 105' between the runway and the float basin. Any closer presents a safety hazard. Pursuant to this; excavation between the runway and float basin would not serve the building of a float plane basin, and would most likely result in a deviation from the 50:1 grade in the areas adjacent to the runway.

Concerns regarding the application:

The provided site plan shows only test holes on lots 2, 3, & 4 with the water table at 16'. There is anecdotal evidence that the original developer found the water table between 8' & 9' at the southern portion of subdivision. The applicant neglected to include test hole information regarding the southern lot #1. Prior to approval of the proposed 14' excavation depth, depth of water table should be verified on the South end of the site.

In the comments section and the site plan, the applicant requests a waiver to KPB 21.29.050 A. 3. Requiring material processing equipment to be operated at least 300' from the parcel boundaries. This deviation should not be allowed as it is apparent that the applicant did not exercise due diligence in the procurement of the property for material processing, or willfully intended to circumvent this requirement. In any event if the applicant cannot meet the 300' standard, material processing should not occur at the site. The applicant has the option of processing the material at another location more suitable to this activity. The burden should fall on the applicant to comply with the standards, not the community to bear the negative safety and quality of life impacts. I would ask, what is the point of having an ordinance if only to grant waivers to it? The planning commission should not grant waivers to the standards that would have such negative impacts on the community.

The CLUP development notes item 4 indicates the applicant intends to excavate the area along the runway where the 6' buffer berm is to be placed. Removal of material in the vicinity and replacement with organic or other material that is potentially not suited for runway construction and disturbing the subject area could damage the shoulder of the runway. **This is a violation of KPB 21.29.040 A.2.** A plan from a civil engineer should be in place prior to excavation in this area as to not damage to the runway.

Other considerations:

The runway adjacent to the site has no significant vegetation or buffers to inhibit disturbances of noise, fugitive dust, and allows an uninhibited view from adjacent properties into the site. Due to this the 50' buffer of natural undisturbed vegetation in addition to a minimum 6' earthen berm with at least a 2:1 slope should be used pursuant to the buffer requirements set forth in KPB 21.29.050 A.1.2.

Findings of fact item 19, dust mitigation. Prevalent East and Northeast winds in the area could drive dust from the project across the runway onto adjacent properties damaging structures and aircraft, and aggravating respiratory ailments of residents. It is doubtful that mitigation of dust through application of Calcium chloride and water will be adequate due to the drying nature of the winds. Calcium chloride is corrosive and poses a threat to aircraft in the vicinity and should not be used. **These are violations of KPB 21.29.040 A.2.3.4.5.**

The applicant should apply dust mitigation products that are not corrosive in nature and damaging to aircraft.

As a result of the winds and significant potential for damage to adjacent properties the applicant should retain the services of an independent contractor specializing in dust mitigation to insure compliance, and to insure measures are sufficient.

Due to the magnitude of the proposed project, and the scope of negative impacts on the community the requirement of bonding per KPB 27.19.050 would be appropriate, and voluntary compliance on the part of the applicant would be an indication of good faith to complete the project in a conscientious manner.

In closing the project seems ill conceived.

There are numerous conflicts with KPB Ordinance 21.29

There are significant deviations from FAA and AOPA safety standards that address runways.

The mention of a float plane basin on the surface appears to be a feeble ruse to grease the wheels of a questionable project.

There is no regard given to the safety of users of the roads in the community.

There is no regard given to the safety of airport operations.

There is little regard given to compliance with KPB ordinances to protect the community from physical damage to properties.

There is little regard for minimizing noise, visual, and dust impacts to the community.

In its' present form I am opposed to the CLUP.

If the applicant is indeed sincere with the intent of building a float plane basin, I would suggest it would more productive to engage in dialogue with property owners in the subdivision to conceive a plan that would be beneficial to the community as well as the developer.

I often use gravel products on the Kenai Peninsula, and in the event that I proceed to develop my lot in the subject subdivision I will need a substantial amount of gravel. Another nearby source would be a resource to utilize. I would be supportive of such developments when done in a proactive manner, and considerate of the community.

Thankyou

James Lack

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

RECEIVED

APR 19 2023

04/14/2023

KPB PLANNING DEPT.

RE: Conditional Land Use Permit: Parcels 159-360-(09,10,11,12)

Dear Sir:

As a property owner in the Lowell Field area, I feel it is appropriate to give testimony regarding the proposed use of some (not all) of my properties there for extraction of gravel and sand. It is my hope that since the Commission postponed their decision on this topic until 4/24 they will consider this statement as well. I listened online to the hearing held on that topic on Monday, April 12, and I took note of a few items of interest. For the sake of clarity, I will list them in numerical order.

- 1) Few of the folks who testified on Monday 4/12 actually live on their properties near Lowell Field. This should serve to limit most concerns about traffic safety, as it seems unlikely that folks who neither live nor work in the Lowell Field Subdivision will drive there often.
- 2) Every property owner who spoke had purchased their property with the knowledge that there was already an operational gravel pit in close proximity to the West side of Lowell Field. Evidently they did not feel enough concern regarding the potential for danger or annoyance from that existing pit to prevent them from purchasing their properties near to it.
- 3) The existing, active gravel pit uses the exact same roadway (Tim Avenue) as that which Gregoire Construction proposes to use. They transport gravel from that pit with dump trucks. I am not aware of any reports of traffic incidents regarding that usage, and no testimony to that effect was presented.
- 4) The existing portion of Tim Avenue to the East of the Borough maintained portion was most recently improved by a logging outfit, at little or no expense to the current property owners in the Lowell Field subdivision or to the taxpaying public. It is not marked or treated as a private drive. There is little doubt that Gregoire Construction will choose to make some improvement to the roadway in order to have good operational conditions for equipment transit, but this should not be required for approval of the conditional use permit currently under consideration.
- 5) The property proposed for gravel extraction is on the East side of the Lowell Field runway, well away from the property owners who have expressed opposition to this new development. Since they occupy properties to the West of Lowell Field, they will be separated and sheltered from any unpleasant activity by no less than the full 150 foot width of the runway, as well as by any intervening real estate West of the runway, in addition to the berm mandated in Borough ordinance. The terrain in the area under discussion is generally level, so no homeowner will be forced to look downhill from their property and view the operation of a gravel pit from any vantage point in the vicinity.

Given these facts, and the fact that our proposed property use violates no Borough ordinance and that gravel extraction is, in fact, provided for as a necessary element of development on the Kenai Peninsula, I am asking that the Commission move to approve the conditional permit and allow our lawful request to proceed unhindered.

Respectfully submitted,



Jerold Vantrease

PO Box 1730
Homer, AK 99603

TESTIMONY AGAINST CLUP FOR MATERIAL EXTRACTION AND PROCESSING AT

PARCEL NUMBER: 159-360-09, 159-360-10, 159-360-11, 159-360-12

**LEGAL DESCRIPTION: T 3S R 14W SEC 4 SEWARD MERIDIAN HM 2006036 HOFFMAN ACRES
LOWELL FIELD PHASE 1 LOT 1,2,3,4**

First I would like to address KPB CODE 21.25.060. - Notice.

Notice of the pending application shall be published two times in a newspaper of general circulation in the local area in which the land use is proposed. The notice shall also be posted in the post office(s) of the impacted community. At the beginning of the notice period a copy of the notice shall be sent by regular mail to all owners and/or leaseholders of record of property located within a radius of one-half mile of the subject property. The notice shall contain a description of the proposed location, the type of proposed land use, the applicant's name, where written comments may be submitted, the last date for which written comments may be submitted, and the date, time and location of the public hearing.

It clearly states that notice shall be posted in the post offices of the impacted community. Our community post office is Ninilchik and it was never posted there and I would have never known about this if it was not for a concerned neighbor. So that leads me to believe that many members of the community have not been given the due notice which goes directly against KPB CODES OF ORDINANCE 21.25.060

The application is supposed to include a list of items per KPB CODE 29.21.030 - Application procedure. 29.21.030(A)4 that a Reclamation plan consistent with KPB 21.29.060 is one of the items to be included. Per the application under number 3 Application Information reclamation plan is not checked and was not included with the application. This is in direct violation of KPB CODE OF ORDINANCE 29.21.060(A) All material site permit applications require a reclamation plan. And KPB CODE 29.21.050(A)12b As a condition of issuing the permit, the applicant shall submit a reclamation plan.

KPB CODE 21.29.050(4)c All CLUPS shall be issued with a condition which requires that a two-foot vertical separation from the seasonal high water table be maintained.

The applicant claims the depth of ground water is at 16ft and their proposed excavation is 14ft. If this is the case then they are well within the code but the problem is per the CLUP development notes included in the application.

Number 9: Test holes were excavated and logged in 9 locations by the previous property owners and soil logs were provided to applicant. Test holes were excavated to 18' below ground.

Number 10: Ground water was encountered at approximately 16' below existing ground.

There are several factors that need to be addressed to prove they are not going to be in violation of KPB CODE 21.29.050(4)c

1. No test holes have been done to lot 1. So there is no data on where the water is on that lot and no way for anyone to know that the applicator will be with in code with out them doing there due diligence and locating the water before a CLUP is approved.
2. Why are the soil logs not included with the application so the community can review them.
3. The CLUP development notes state the ground water was encountered at approximately 16' below existing ground and that this info was provided by the previous land owners. The applicant should have to do there own due diligence in locating the water to make sure its really at 16' and not above as approximately is use to show something not completely accurate or exact.

All of these things should be considered and rectified before the CLUP is approved because it is important to preserve and protect ground water in the state of Alaska for generations to come.

The KPB CODE OF ORDINANCE is already in conflict with the Alaska DEC Best Management Practice for Gravel/Rock Aggregate Extraction Projects. It states they recommend a minimum of four (4) feet of vertical separation distance between extraction operations and the seasonal high water table, and that they restrict activities that could significantly change the natural groundwater gradient.

The applicant has stated in there application they plan to mine +/- 40,000 cubic yards of material. So let break this down.

One cubic yard of a heavy material like gravel can weigh 3,000 pounds on average.

In general, a dump truck can carry 13 to 25 tons of gravel. More specifically:

- A 10-wheeler can carry 13 tons (or 26,000 pounds) (9.28 cubic yards).
- A large flat bed truck can carry 25 tons (or 50,000 pounds) of gravel (17.85 cubic yards).
- A 12-wheeler can carry 16 tons (or 32,000 pounds) of gravel (11.42 cubic yards).
- A high side-end dump truck and a semi-end dump truck can carry 21 tons (or 42,000 pounds) of gravel (15 cubic yards).
- An industrial belly dump truck can carry a max of 23 tons (or 46,000 pounds) of gravel (16.42 cubic yards).
- A super 16 and a transfer dump truck can haul 24 tons (or 48,000 pounds) of gravel (17.14 cubic yards).

So in looking at this we can see that for them to move 40,000 cubic yard of gravel they would take any where between 2240-4311 truck loads weighing between 26,000 and 50,000 pounds. If they were to only move half that amount of material you are still talking about 1120 – 2156 truck loads.

In Court Case 3KN-20-00034CI Judge Gist rule that

"... The court finds that the Commission does have the authority under KPV 21.25.050(B) to deny a CLUP if it finds that the standards set forth in KPB 21.29.040 cannot be sufficiently satisfied."

Knowing that let look at KPB 21.29.040 which states These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts.

There is nothing in the application that was submitted that addresses how they plan to:

- Protect against road damage. To all of the haul road down to the Sterling Hwy
- Protect against dust.

We all know living here that the mining is not actually happening over a year it will happen in a matter of a months each year. So, over the course of a few month the applicate would be running thousands of load of material down a road barely big enough for 2 standard pickup trucks that necks down to a one lane road with a small culvert crossing Happy Valley Creek. The road is only brough maintained part way down Tims Ave and is not built to handle that amount of big commercial traffic it will result in excess dust and a sever road damage. Truck weighing that much going over a small culvert not rated for that weight load over and over again will smash the culvert and has the potential to get the trucks stuck in the creek when it does finally collapse. Not to mention it will cause a huge safety concern with no where for other drivers to go beside in the ditch when a big dump truck is headed toward them. *With out some detailed plan in place to address these issues there is no way for the applicant to be in compliance with KPB CODE 21.29.040 and there is no way the standards set forth in KPB 21.29.040 can be sufficiently satisfied.*

With all this said I ask the Planning Commission to deny the application for CLUP. Multiple codes have not been met and the standards set forth in code can not be sufficiently satisfied.

Joseph Reynolds



TESTIMONY AGAINST CLUP FOR MATERIAL EXTRACTION AND PROCESSING AT

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Kelsea Reynolds



My name is Steve Kahn, I am joint owner of a lot in Hoffman Acres on Lowell Field. This is in regard to the application for a gravel pit adjacent to Lowell Field (Parcel Numbers 159-360-, 09, 10, 11, 12) in Happy Valley, Kenai Peninsula Borough. The applicant is Richard Gregoire, the owner is Jerold Vantrease.

I have had a chance to read the application and have some major concerns. But before I address those concerns specifically, I'd like to comment on a few procedural issues. First, the time allowed for public input is inadequate. Two weeks from the time of mail out isn't enough. The notice was mailed to me on March 22, it was in my mailbox on March 29 with a deadline of April 7 for written testimony. That is, in effect, only 9 days to educate oneself on the many aspects covered in the application. If that time frame is written into the rules/codes then the KPB assembly needs to lengthen the time to at least one month. Also the application wasn't available the entire time, but only was posted on or around March 30th.

The application shows several inaccuracies and some downright errors including:

- Page 3 #20). The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then travel east to the Sterling Highway. THE STERLING HWY IS WEST OF THE SITE IN QUESTION.
- # 7 & 8). The application indicates that the seasonal high-water table is 16-feet below the surface. THERE IS ANECDOTAL EVIDENCE THAT THE WATER TABLE IS HIGHER ON THE SOUTH END AND THE TEST HOLES HAVE ONLY BEEN DRILLED ON THE NORTHERN HALF OF THE AREA IN QUESTION. IF BOTH PHASES ARE PERMITTED WITH THE APPLICATION THEN TEST HOLES FOR BOTH PHASES SHOULD BE PROVIDED WITH THE PERMIT APPLICATION.
- Page 5 #12) The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride. IF THIS MEANS DUST SUPPRESSION IS ONLY REQUIRED ON SITE THEN WHAT ABOUT THE FUGITIVE DUST FROM TRUCKS AS MATERIAL IS HAULED OUT ON TIM AVE. THIS IS UNACCEPTABLE. WHERE WILL THE WATER COME FROM? IF HAPPY CREEK IS PLANNED TO BE THE SOURCE THAT IS ALSO UNACCEPTABLE.
- Page 4, first line: Site access is from KPB maintained gravel road, Tim Avenue to Sterling Highway. THIS IS INCORRECT. KPB ONLY MAINTAINS TIM AVE THE FIRST MILE OR SO. THE LAST SECTION IS NARROW WITH STEEP HILLS AND A CULVERT OVER HAPPY CREEK THAT WOULD NEED TO BE IMPROVED TO KPB STANDARDS BY THE APPLICANT.
- A permit application to enter the water table will be requested in the future is marked "yes". HOW DOES THIS MAKE SENSE WHEN IT IS REQUIRED TO MAINTAIN A 2-FOOT VERTICAL SEPARATION FROM THE SEASONAL HIGH WATER TABLE? IF GRANTED AT A LATER DATE, LIMITS IN DEPTH OF THE EXCAVATION SHOULD BE CLEARLY STATED.
- The ultimate reclamation of the material site would be development of a float plane basin with appurtenances. This development plan aligns with the subdivision development as it is immediately east of a platted air strip. IF APPURTENANCES IN THIS CASE ARE REFERRING TO A RIGHT OF WAY, WHO WOULD BE ENTITLED TO THE USE OF THE FLOAT PLANE BASIN AND HOW WOULD IT BE MANAGED? WHERE WOULD THE WATER COME FROM TO FILL THE BASIN AND WHO WOULD BE RESPONSIBLE FOR MAINTAINING THE BASIN? WITHOUT DETAILED PLANS THIS

SEEMS LIKE A RUSE TO EXTRACT A LARGE QUANTITY OF MATERIAL AND LEAVE A LARGE HOLE IN THE GROUND.

- IT IS REASONABLE TO EXPECT A DECREASE IN PROPERTY VALUES DUE TO NOISE, DUST AND TRAFFIC.
- BONDING SHOULD BE REQUIRED.

Of the many concerns stated above, two stand out as the most egregious:

1) There are safety concerns associated with hauling materials on Tim Ave. Perhaps the applicant wasn't aware of the dangerous conditions he would be subjecting his drivers and local residents who use the road to, but with the testimonies submitted, he should be aware (as it is now in the public record) that the last section of Tim Ave is narrow with a steep blind hill and unsafe for commercial use of this kind. A good faith and prudent action by the applicant would be to improve Tim Ave and the culvert over Happy Creek to KPB standards before any work begins on the gravel pit. This should include several pullouts for passing traffic along the entire length of Tim Ave.

2) Another good faith action would be for the applicant to voluntarily amend the application to provide for a larger buffer on the west side of the excavation site where it abuts the existing airstrip to include 50 foot natural vegetation buffer PLUS a 6 foot high berm.

In summation, I feel strongly that the KPB Planning commission should not approve this application and certainly not without major changes. There are too many unanswered questions and I ask the Planning Commission to, at the very least, delay a decision on this application.

THANK YOU,

STEVE KAHN

Raidmae, Ryan

From: Steven Untiet <suntiet@hotmail.com>
Sent: Wednesday, April 5, 2023 7:47 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Written statement in regards to Hoffman acres/ Lowell field proposed land use permit

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To KPB Planning Commission

In reference to Hoffman Acres Gravel Pit Application

Testimony, Steven & Lucy Untiet, property owners on Hoffman Acres, Lot 11

This testimony is regarding the application for a gravel pit adjacent to Lowell Field (Parcel Numbers 159-360-, 09, 10, 11, 12) in Happy Valley, Kenai Peninsula Borough. The applicant is Richard Gregoire, the owner is Jerold Vantrease.

First off, we would like to note that the notification that was given is inadequate, it lacked important details and information that would allow neighboring landowners to make informed decisions. The absence of details created chaos, confusion and rumors that lead to a great deal of distress. It does give the impression that this CLUP application is rushed and ill-informed.

Our main concern is the road safety. Tim Avenue is not borough maintained after Creek View Road. There is a culvert at Happy Creek that is not stable, additionally, the road is just barely a single passenger car wide with steep hills and blind spots. Heavy trucks traveling up, and down Tim Avenue will be extremely dangerous and damaging to the already fragile gravel road not to mention the culvert crossing over the creek.

We are concerned with not only the safe operation of the gravel air strip but also the visual impact this project will have. We moved here to build our home in a beautiful, quiet neighborhood. What are the plans to keep the dust and debris from the airstrip? How will the "float pond" be maintained and by who? How will the downed trees and shrubs be managed?

How will it be handled if an accident happens, or this project causes damage?

For those reasons we would like to have the planning commission in the least not grant the waiver for the east side set back since that is where all the houses are and to ensure safe clearance from the runway that is already in existent and used by current residents. Also, we would like to have the dust mitigation plan changed to something not corrosive to aircraft since this is an active airport.

Thank you,
Steven and Lucy Untiet

Raidmae, Ryan

From: Susie Monte <susanmonte.remax@gmail.com>
Sent: Wednesday, March 29, 2023 2:59 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Hoffman Acres Extraction

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Hi Ryan,

I will plan to attend the zoom meeting regarding Gregorie's request to extract gravel. Of course the land owners have questions, but I did want to make you aware of one serious safety concern.

Last summer we were driving west on Tim and were happy to see it was freshly grated. When we veered slightly to the right, our full size truck went off the edge and with no gradual decline, ended up on its side in the ditch. Fortunately we were not hurt and were going slow enough that we didn't roll. The tow company pulled the truck out and we were able to drive away only to come back upon another car on its side in the ditch a ways from where we went in only hours later.

I just thought that the borough should be aware. I would feel awful if the project moved forward without making safety improvements and someone where to be injured.

Thank you~

Helping **you find your way home**~

Susan Monte, REALTOR

ReMax Results

Team Lundeen

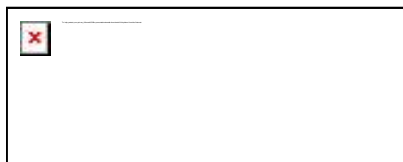
Direct: [612.275.7186](tel:612.275.7186)

Team Office: [763.552.7477](tel:763.552.7477)

[Download our FREE Home Finder App](#)

susanmonte.remax@gmail.com

Licensed in the State of MN



P.S. We love helping people buy and sell homes...let us know if we can help someone you know as they make a life move

Raidmae, Ryan

From: wilkesworks@alaska.net
Sent: Wednesday, April 5, 2023 5:28 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Hoffman Acres Lowell Field CLUP Wastewater Disposal Concerns
Attachments: Plat 2006-36.pdf

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Good afternoon Planning Commission!

In reviewing the proposed gravel pit in Hoffman Acres Lowell Field I have come across some notes on the Plat that I wanted to bring to your attention.

Please see attached Plat 2006-36, in particular the notes regarding Wastewater Disposal.

'Wastewater Disposal - Lots 5-28: Soil Conditions, Water Table Levels and Soil Slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough.'...

'Wastewater Disposal - Lots 1-4, Tract A & Tract B: These lots are at least 200,000 square feet, or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment or disposal systems.'

Thank you,
Tiffany Wilkes

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. 2" ALUMINUM CAP ON 5/8" REBAR PLACED AT ALL PROPERTY CORNERS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED.
6. THIS PLAT VACATES ALL PROPERTY LINES, RIGHTS-OF-WAY, UTILITY EASEMENTS AND CLEARING EASEMENTS DEDICATED OR GRANTED PER PARENT PLAT OF HOFFMAN ACRES, HM74-2195, APPROVED BY THE BOROUGH PLANNING COMMISSION AT THE MEETINGS OF FEBRUARY 27, 2006 AND MAY 22, 2006.
7. AIRCRAFT USAGE ON A BOROUGH RIGHT-OF-WAY IS NOT A COMPATIBLE USE AND WILL NOT BE PERMITTED.
8. EXCEPTIONS TO KPB CODE GRANTED BY THE KPB PLAT COMMITTEE ON JANUARY 23, 2006; 20.20.180 (3:1 DEPTH TO WIDTH RATIO) FOR TRACT A; MAY 22, 2006: 20.20.200 (ALL LOTS SHALL ABUT A DEDICATED STREET) AND 20.20.16 (MAXIMUM BLOCK LENGTH OF 1400 FEET).
9. THE BASIS OF BEARINGS IS TRUE NORTH FROM GPS OBSERVATION AT THE NORTH 1/4 CORNER OF SECTION 4.

LEGEND

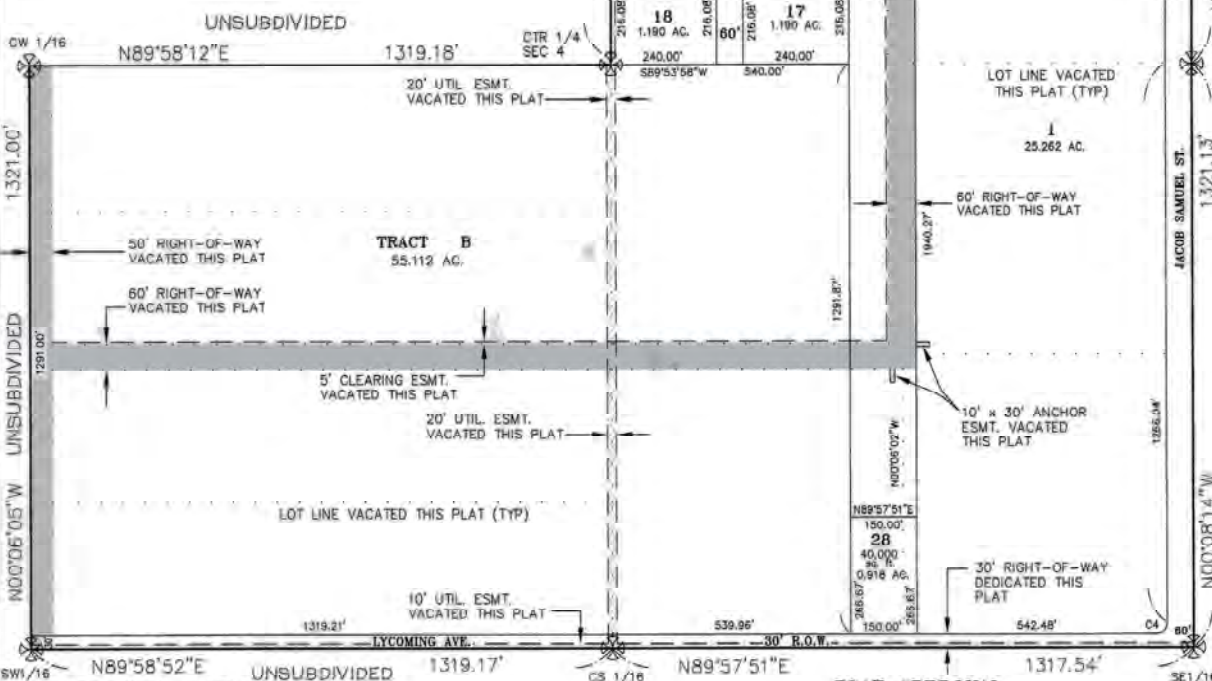
- SET 2" AL. CAP ON 5/8" REBAR AT ALL PROPERTY CORNERS
- INDICATES RIGHT-OF-WAY VACATED
- 2-1/2" BRASS CAP ON 3/4" G.I.P. 7610-S (2006) PER RS2006-23
- FOUND 3-1/2" CLO BRASS CAP

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	39.23	25.00	89°54'27"
C2	39.31	25.00	90°05'33"
C3	39.26	25.00	89°59'06"
C4	39.31	25.00	90°06'04"

WASTEWATER DISPOSAL - LOTS 1-4, TRACT A & TRACT B: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER *[Signature]* LICENSE # *68300*

DATE *6-19-06*



WASTEWATER DISPOSAL - LOTS 5 THROUGH 28: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER *[Signature]* LICENSE # *68300* DATE *6-19-06*

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of January 23, May 8 and May 22, 2006, Kenai Peninsula Borough.

BY *[Signature]* Authorized Official

KPB FILE NO. 2006-15

CERTIFICATE OF OWNERSHIP and DEDICATION

We hereby certify that we are the owners of the real property shown and described herein, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all public rights-of-way and grant all easements to the use shown.

JOEL MUMF, as President for QUALITY SERVICES INC.
P.O. Box 1071
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

For Joel Mumf
Subscribed and sworn to before me this _____ day of _____, 2006.

Notary public for Alaska.

My Commission Expires _____

FORMER TRACT 1

Thomas M. Haeg
P.O. Box 4022
Homer, AK 99603

FORMER TRACT 2

Mark D. Wiener
P.O. Box 314
Anchor Point, AK 99556

Margaret Wiener

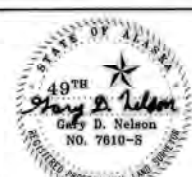
NOTARY'S ACKNOWLEDGEMENT

For Thomas M. Haeg, Mark D. Wiener and Margaret Wiener
Subscribed and sworn to before me this _____ day of _____, 2006.

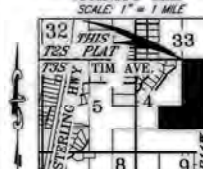
Notary public for Alaska

My Commission Expires _____

2006-15
Homer REC DIST
Date *6-19-06*
Time *9:58 AM*
Requested by *Ability*
Address _____



VICINITY MAP



DATE *6-14-2006*
SCALE *1"=200'*
JOB No. *3976*
DRAWING *3976*

LOWELL FIELD PHASE I

A SUBDIVISION OF TRACTS 1 THROUGH 16, VACATING ALL FORMER PROPERTY LINES AND ALL RIGHTS-OF-WAY WITH THE EXCEPTION OF "EAST ROAD", HOFFMAN ACRES SUBD., (HM74-2195), LOCATED WITHIN THE NE1/4, THE SW1/4 AND THE SE 1/4, SEC. 4, T3S, R14W, S. 3, N., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 158.431 ACRES

ABILITY SURVEYS
GARY D. NELSON, P.L.S.
(907)235-8440
152 BENE AVE., HOMER, ALASKA

Raidmae, Ryan

From: Tony Hillegeist <thillegeist@hotmail.com>
Sent: Friday, April 7, 2023 7:49 AM
To: Raidmae, Ryan
Cc: TLHillegeist@aeraenergy.com
Subject: <EXTERNAL-SENDER>CLUP; Materials Extraction; PC RES 2023-08 Public Hearing

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7 April 2023

To: Ryan Raidmae
From: Tony Hillegeist

Ryan Raidmae,

I, Tony Hillegeist, am a land owner of
PARCEL ID: 1591114 to the East of the
subject properties: T 3S R 14W SEC 4
SEWARD . NO 2009-11 HAPPY CREEK
SUB LOT 12. I am also representing my
brother Tod Hillegeist (HILLEGEIST
FAMILY HOLDING TRUST) **PARCEL. ID:**
15911154 : T 3S R 14W SEC 4

SEWARD MERIDIAN HM 2011006 ASLS NO 2009-11 HAPPY CREEK SUB LOT 12.

I have a couple comments on the CLUP;
Materials Extraction; PC RES 2023-08.

1. I am most concerned about the potential noise levels from the Processing Area which its positioned West my Lot-4. A noise buffer/fence should be included, **if** the land owners around the find the noise levels to be excessive in the future.
2. The second item is a concern about possible ground water contamination, if the subject excavation is deepened in the future, for a float plane strip/basin, including possible fuel spills, engine oil, and other run off into the basin, could become a problem. This is the final goal of this CLUP. If the hydrology is

favorable, then they will submit a MCLUP to mine below the water table.

I also wanted to point out a duplication on page E6-15, items 22 and 25. Also item 20 on E6-14 "East" needs to be changed to **West**, and there is a duplication of "**then**".

Thank you for taking a look at these items. If you have any questions please text, or email.

Tony Hillegeist

(907) 440-4216

thillegeist@hotmail.com

.

Raidmae, Ryan

From: inua2@alaska.net
Sent: Wednesday, April 5, 2023 4:04 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Comment on CUP- Parcel number 159-360-(09,10,11,12)

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This comment is to strongly oppose the conditional use permit applied for within the Hoffman acres Lowell field. These lots were clearly marketed as a residential area with the use of an airstrip. The applicant obviously knew this when he purchased the lots and is clearly trying to put a gravel pit in a residential area, and allowing any type of materials extraction, I.e.. a gravel pit, will create a tremendously negative impact on any future residential development and real estate prices. There is also an airstrip directly adjacent to the proposed gravel pit, which obviously presents its own set of safety and liability issues. The road accessing Lowell Acres is not borough maintained, and industrial use such as accessing a gravel pit, would destroy access to private property and very possibly make access to your property impossible during certain times of the year. Immediately to the east of the proposed area are large parcels of wetlands, which would be directly affected by the certainty of runoff from a project such as this. The borough commissions top priority should be the protection of an individuals property and their right for enjoyment of that property. Gravel pits and residential areas are certainly not compatible.

Sincerely,
William Lovett
Lots 31,32 Hoffman acres Lowell Field