

Ward, Tamera

Subject: FW: <EXTERNAL-SENDER>Re: [EXTERNAL] ReRe: Copy of ordinance substitute and Sectional analysis

From: K, E, & E Martin <keeconstructionllc@yahoo.com>

Sent: Tuesday, September 5, 2023 9:06 AM

To: Derkevorkian, Richard S. <RSDerkevorkian@Marathonpetroleum.com>

Cc: Mayor Peter Micciche <pmicciche@kpb.us>; Elam, Bill <belam@kpb.us>; Hibbert, Brent <bhibbert@kpb.us>; Johnson, Brent <bjohnson@kpb.us>; Ecklund, Cindy <CEcklund@kpb.us>; Chesley, Lane <lchesley@kpb.us>; Tupper, Mike <MTupper@kpb.us>; Cox, Tyson <tysoncox@kpb.us>; Ribbens, Peter <pribbens@kpb.us>; Kelley, Sean <skelley@kpb.us>

Subject: <EXTERNAL-SENDER>Re: [EXTERNAL] ReRe: Copy of ordinance substitute and Sectional analysis

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To All, NO Amendments needed! Vote it down.

First this ordinance is an abomination, it's an attack on Private property rights using unauthorized powers to spot ZONE one industry ,with overly restrictive regulation, It disregards individual liberties , opportunism grounded in Free Enterprise, works to create less competition by unequal application across the borough, It disregards the Estoppel Doctrine protecting PEU ownership.

It takes jurisdiction over water usage & access, only in both the Federal & State powers!

The real world result of passing this Ordinance is forcing Property / Business owners to sue to get justice from takings of rights.

The most Visual hideousness is it's actual portion addressing Visual restriction which attempt to divide us Citizens by what looks good to one but not to another!

This ordinance should go down in flames!

Edward & Kathleen Martin
907-252-7857 , 907-252-8163

KEE Construction, LLC

On Tuesday, September 5, 2023 at 07:22:42 AM AKDT, Derkevorkian, Richard S. <rderkevorkian@marathonpetroleum.com> wrote:

All,

I just want to echo Ed's point that the most important testimony is tonight and that it's going to take an overwhelming amount of support and continuity from you all on specific items to get them amended. Many of these things were already discussed and attempted to be improved by Bill or I and they were voted down by the rest of the assembly.

Suggestions for testimony tonight,

-Start with name, and the company you own operate if you're comfortable with that.

-What specific area of the ordinance needs amended.

-why does that area need changed

Ed's done a tremendous amount of work on this over the past year improving it where he can, without some support from you over the next two weeks I'm concerned that this document won't change much.

Richard Derkevorkian

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From: Robert T Peterkin II <robert.peterkin@rocketmail.com>

Sent: Saturday, September 2, 2023 11:51:10 PM

To: dirttco@yahoo.com <dirttco@yahoo.com>; d.merkes@alaska.net <d.merkes@alaska.net>; matt.hampton@gcinc.com <matt.hampton@gcinc.com>; mkorynta@colaska.com <mkorynta@colaska.com>; office@dibblecreekrock.com <office@dibblecreekrock.com>; office@eastroadservices.com <office@eastroadservices.com>; jakedenbrock@hotmail.com <jakedenbrock@hotmail.com>; drosssxq@gmail.com <drosssxq@gmail.com>; ajzjf@aol.com <ajzjf@aol.com>; alpineexc@yahoo.com <alpineexc@yahoo.com>; clarkshore@gmail.com <clarkshore@gmail.com>; ddebrown@msn.com <ddebrown@msn.com>; dlconst.smith@gmail.com <dlconst.smith@gmail.com>; agbld_rd@yahoo.com <agbld_rd@yahoo.com>; emmitttrimble@gmail.com <emmitttrimble@gmail.com>; hteinc@hotmail.com <hteinc@hotmail.com>; louexcavate@gmail.com <louexcavate@gmail.com>; mbrown@salamatof.com <mbrown@salamatof.com>; metcoak@gmail.com <metcoak@gmail.com>; mikearno@lppowersports.com <mikearno@lppowersports.com>; pavingalaska@hotmail.com <pavingalaska@hotmail.com>; pearseconstruction@yahoo.com <pearseconstruction@yahoo.com>; pjkgravel@gmail.com <pjkgravel@gmail.com>; robbynlmichel@gmail.com <robbynlmichel@gmail.com>; seancude@yahoo.com <seancude@yahoo.com>; jack.nspci@alaska.net <jack.nspci@alaska.net>; steamonwheelsllc@alaska.net <steamonwheelsllc@alaska.net>; loren@nnai.net <loren@nnai.net>; gbfowler@alaska.net <gbfowler@alaska.net>; lwiley@gci.net <lwiley@gci.net>; yragai@acsalaska.net <yragai@acsalaska.net>; krogseng@acsalaska.net <krogseng@acsalaska.net>; axtelent@acsalaska.net <axtelent@acsalaska.net>; wwong@chumleycorp.com <wwong@chumleycorp.com>; cwittmer@chumleycorp.com <cwittmer@chumleycorp.com>; stegerenterprises@outlook.com <stegerenterprises@outlook.com>; marklangfitt@yahoo.com <marklangfitt@yahoo.com>; jtmahan@yahoo.com <jtmahan@yahoo.com>; 907danbrown@gmail.com <907danbrown@gmail.com>; gcodyb@gmail.com <gcodyb@gmail.com>; lee.ulmen@gmail.com <lee.ulmen@gmail.com>; aknuggets@gmail.com <aknuggets@gmail.com>; bmohr@ciri.com <bmohr@ciri.com>; cicinalaska@gmail.com <cicinalaska@gmail.com>; tsfg213@hotmail.com <tsfg213@hotmail.com>; coursen@acsalaska.net <coursen@acsalaska.net>; ray@summitexcavation.org <ray@summitexcavation.org>; pencon@alaska.net <pencon@alaska.net>; kbalaska@comcast.net <kbalaska@comcast.net>; sdavis@davisblock.com <sdavis@davisblock.com>; cdavis@davisblock.com <cdavis@davisblock.com>; sstub1812@gmail.com <sstub1812@gmail.com>; josh@specialtyexcavating.com <josh@specialtyexcavating.com>; rverba@hotmail.com <rverba@hotmail.com>; cap@dibblecreekrock.com <cap@dibblecreekrock.com>; randy@alconstructionak.com <randy@alconstructionak.com>; ssettle@ciri.com <ssettle@ciri.com>; akdander@gmail.com <akdander@gmail.com>; ak_mamabear@yahoo.com <ak_mamabear@yahoo.com>; arnocon@xyz.net <arnocon@xyz.net>; terry@tsrmobile.com <terry@tsrmobile.com>; kirkh@lynden.com <kirkh@lynden.com>; litt1@yahoo.com <litt1@yahoo.com>; Matt Letzring <mattletzring@gmail.com>; KEE Construction <keeconstructionllc@yahoo.com>; Eshlem Rc <eshlemrc@yahoo.com>; JB/KT <jbandkt@gmail.com>; Joseph Ross <smokeross@alaska.net>; Sean McKeown <seanm@lynden.com>; Gregoire Construction <gregoireconstruction@gmail.com>; Cole Petersen <cole@metcoalaska.com>; steve@fosterconstructionak.com <steve@fosterconstructionak.com>; dnorris1136@gmail.com <dnorris1136@gmail.com>; Bill Elam <belam@kpb.us>; Derkevorkian, Richard S. <rsderkevorkian@marathonpetroleum.com>; Kpac Association <kpacassociation@yahoo.com>

Subject: [EXTERNAL] ReRe: Copy of ordinance substitute and Sectional analysis

Ed,

Great work, Didn't mean to be short at the meeting just trying to Keep us focused, I feel all and all it was productive too bad there wasn't 50 members there. Defiantly share tis with the membership, we should also ask for a minimum dues of \$100.00 per member. I am glad to help be treasure if you want me to start an account.

Robert
907-252-7482

On Saturday, September 2, 2023 at 09:01:42 PM AKDT, Kpac Association <kpacassociation@yahoo.com> wrote:

Hello everyone!

So this is what we came up with as things needed to be corrected in the ordinance substitute.

1. The Kachemak Bay Estuarine Research Reserve should be struck from any involvement in material sites.
2. The mention of health, safety, and general welfare should be struck from the ordinance substitute. There have been no studies to show that any of the codes written effect the aforementioned.
3. 21.29.015 No excavation within 32' of a lot line needs to be changed back to 10'. There is no evidence for this restriction other than "more must be better".
4. The exemption for Seward and vicinity from this ordinance should be nullified. Equal protection of the law.
5. The processing waiver of 60 days for a counter permit should be changed to 30 days per year.
6. The Type 1 CLUP permit should be deleted. It is useless and no one will apply for a permit without processing.
7. The mention of an engineer or hydrologist to make reports for the application or maintenance of permits is wasteful spending on our part if the Planning Director and Code compliance officer do not have the same credentials. How can we rely on them to decipher such a report if they do not have equal education?
8. 21.29.040 Standards. This whole section has no standards. Nothing is measurable, thus opens discretion. Mitigation of groundwater flow paths for juvenile salmon is unproven and capricious to say the least. There is no possible way to install a material site in an area without changing the "Character" of the surrounding area.
9. They are requiring us to mitigate dust without giving us any access to water. A well will not do to fill a water truck before it dries out and becomes dusty again. If we are to take on dust control, we need the tools to do the job.
10. 21.29.050 (B) Discretionary Conditions should be deleted entirely. The planning commission does not want or need Discretionary Conditions. They need strict measurable standards.
11. View should be deleted from Special impacts zone. View needs to be defined as the ability to view the operation from a public roadway directly adjoining the parcel boundaries. Not from a private property or residence.
12. Qualified Professional must be defined.
13. Annual reports and reporting two years after closeout of a Type III material site is overreaching.
14. Reclamation needs to be defined as all disturbed areas unless a post mining use is applied. Then it should be reduced to finishing slopes to a 2:1 and seeding them. Leaving the floor of the site for other post mining uses.
15. 21.29.065 should be deleted. If strict measurable standards are used and met, there will be no confusion. If the situation changes for the application, the applicant should not have to wait for the government to exercise the applicant's right to the use of the resources.
16. 21.29.070 If the permit is currently not in violation, it should be approved by the administration. The two year probation period should be deleted. Additional discretionary conditions should also be deleted. The standards must be strict and measurable.
17. 21.29.100 Should be deleted or defined as to the exact cost of recordation.

18. 21.29.120 (D) needs better definition. It reads as if the PEU is restricted to its current working area. It should read PEU permitted boundaries.

Let me know if you have anything else! Also, I will need people to speak on some of these issues. We all will have 3 minutes each and might get time to speak on 3 issues each. So to cover 18 issues, we need 6 people to speak minimum.

Next Tuesday is the only public comment that will matter. The following meeting will be in Homer and they will vote to adopt there. So any amendments will be spoke on Tuesday and prepared for vote on the following meeting.

Thanks, Ed.

(907)252-2554

On Friday, September 1, 2023 at 07:55:59 PM AKDT, Kpac Association <kpacassociation@yahoo.com> wrote:

If you all have a hard time finding them, I figured out how to download and send them. Meeting tomorrow at my shop. Noon.

Ed Martin III

(907)252-2554