

Agenda Item N. 4

Committee Lands

Page Number 58

02006-01 (SUB)

ANCHOR POINT ADVISORY PLANNING COMMISSION  
COMMITTEE MEETING  
THURSDAY APRIL 13, 2006  
7:00 PM  
ANCHOR POINT SENIOR CENTER  
UNAPPROVED MINUTES

1. **CALL TO ORDER.** Chair Collins called the meeting to order at 7:12 pm.
2. **ROLL CALL:** Present: Chair Joanne Collins Vice-Chair Jim Gladish, Secretary Julie Engebretsen, Brok Shafer, Paul Roderick, Earl Breyfogle and Raymond Drake.

Public present: Steve Ebbert, Steve Williams, Howard Manser, Clif Shafer, KPB Planner Crista Cady Hippchen

### 3. Ordinance 2006-01 Substitute

The APC resumed reviewing the ordinance at B1, Counter Permits. Crista explained they are for use when material is being used on site and when subdivisions are being developed, not for driveways, septic and house foundations. Comments included that having to get a permit was discriminatory against developers, as few other activities require permits, and it requires staff time. On the other hand, if KPB has a permit on file, when someone calls with a concern, staff can easily see what activity is taking place, just like getting burn permits and telling the fire hall that you will be burning. That is a good use of staff time.

B. 2 Exemptions. Clif Shafer commented that there should be a dewatered bar exemption for the Anchor River. Jim Gladish said there is a need to know what is going on where. Same ideas apply to Seward and Anchor Point.

### Standards 21.29.020

Earl Breyfogle commented there needs to be a more defined standard of what they are protecting against. He referred to the existing ordinance and aquifer protection. General discussion focused on having water quantity standards laid out. DEC deals with water quality. There was a comment that "aquifer disturbance" should be defined or explained more in detail. Julie Engebretsen asked if staff findings in a permit needed to be tied to standards. Crista Hippchen said that in the current permitting process findings are tied to standards.

### 21.29.030

1. **Buffers.** There was a lengthy discussion of the buffer types and also who decides what buffer is used, the landowner, commission or planning director. The main concern was that someone other than the landowner could decide what the buffer would be, and that what the commission or planning director decided could be a different buffer than the landowner chose in their application. Crista Hippchen explained that the ordinance gave the ability for a combination of buffers to be used at one site.

It was noted the 2:1 slope requirement would be more appropriate under reclamation, not buffers. While an untouchable 2:1 slope tied to a 50-foot buffer is not the intent of the ordinance, that is the letter of the law interpretation.

Paul Roderick asked if an adjoining parcel could be used as part of the buffer; i.e. by ownership or by leasing it for the life of the pit. It was pointed out that variances would be the vehicle for requesting permit conditions not offered by code.

**2. Processing 300 ft from property lines.** Brok Shafer said this should be stricken, and Raymond Drake agreed. Paul Roderick said it was too restrictive. Jim Gladish commented the equipment moves around in the pit. Brok further commented that the equipment should be able to move around within the pit area. That is what the buffer area is for. Further comments included that 300 feet or 50 feet would not really matter for a loud crushing operation. Earl Breyfogle commented the intent could be for crushers not to set up in residential neighborhoods. It's an issue of progress, and you'd need a 10-acre parcel to process. **The Commission agreed by consensus that 50 feet was enough instead of 300 (Earl disagreed).** There are small portable processors that can be used on one and two acre parcels quite well. **It was expressed that zoning is the correct way to regulate land use, not over-regulating material site permits to solve area land use issues.**

**3. Reclamation** – no comments

**4. Water Source Separation**

- a. **The commission agreed unanimously that this should be changed back to the existing code language.** Instead of requiring all excavation to occur beyond 300 feet of a well, there would be no excavation within 100 feet, and between 100 and 300 feet, excavation would stay two feet about the water table.
- b. No comments
- c. Dewatering. Brok questioned if this included dewatering from the confines of the pit, or could it be reinjected back into the ground within the pit. There was discussion on defining dewatering as “removal of water from within the permitted pit”.
- d. Two foot vertical separation from seasonal high water table. The Commission felt this was in conflict with (a) (which they recommended revert to the existing code) because currently, once an operator is more than 300 feet from a well, they can excavate into the water table. If 4a changes, then 4d should be eliminated. Steve Ebbert said digging in the water table would be OK as long as section 5 was met (excavation in water table requirements).

**5 a. Excavation in water table.** Raymond said he needed a reason for why this regulation is necessary. There is a complete lack of known problems with water quantity. Paul commented people have water concerns. Ray said there has been 50 years of evidence and it has shown no effect on water. Paul commented getting certification could be difficult – engineers may be unwilling to give it. Earl said its not that expensive and it can be done using pizometers and mapping by hydrologists. Brok said he wrestles with the certification. It's hard to pin down a professional to stamp something that is open ended. Lots of things affect groundwater besides a pit operation. Raymond agreed with Brok. You can buy a report to a certain extent but still some people will still disagree with the stamp. There is a 50-year history of pit operations in the area

and no known affect on water quantity. Joanne said she had asked some engineers if they would stamp in this situation, and they said no. She also felt that once she hired someone and was paying them, they were no longer “independent”. Jim said 5a should be stricken for all the reasons given, and that no one would stake their license based on the risks. Clif Shafer agreed with Jim. Steve Ebbert said he was struck by the comment that there have been no effects with a 50-year history, but that they can’t get someone to stamp plans. If the operators are so convinced that after 50 years there are no negative effects on the water and aquifer, then why is it so hard to get someone else to agree? Further comments included if a neighbor had a problem with a shallow well after pit operations started, they will blame the pit (although a lot of things can affect a shallow well). If the operator had had the surveying work and certification done, they would have some proof it was not their fault. It was still felt that engineers would not stamp these types of plans due to the number of variables when dealing with the shallow groundwater tables in the area.

**5 b. Water monitoring tubes.** Ray commented he likes this idea.

**5 c. Documentation.** There was discussion about using the honor system, as is done with borough sales tax reporting, and letting pit operators monitor the wells instead of paying an engineer. It was agreed the elevation of the water is important to know. Flow direction was confusing at is depends on the soils.

**Motion:** Jim Gladish made a motion to rewrite 5c to read: “groundwater elevation for the subject parcel measured and documented in three month intervals for at least on year prior to application.” Julie Engebretsen seconded the motion. Earl Breyfogle commented that an operator would not have all the data needed if an accusation arose out of flow direction. He said there is a need to know if your operations have changed things, and what has changed. Crista said these are common requirement in other places when digging in the water. **Vote:** 6 yes, 1 no (Earl Breyfogle).

**5.d. aquifer confining layer.** There was a discussion about what it means to breach an aquifer confining layer - no recommendation made.

- 4. ADJOURNMENT.** Meeting adjourned at 10:45 pm. A regular meeting is scheduled for Tuesday April 18<sup>th</sup> at the Chamber of Commerce, and a special meeting to discuss the ordinance on the 25<sup>th</sup> scheduled for the Senior Center. All meetings start as 7:00 p.m.