

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

3. Conditional Land Use Permit Modification; MS2015-005

Applicant: Sean Cude

Request: Modification to PC Resolution 2014-20 to allow excavation into the water table and for temporary localized dewatering.

Location: 36498 Virginia Drive, Kalifornsky Area

From: [Theresa Franklin](#)
To: [Raidmae, Ryan](#)
Cc: [Theresa Franklin](#)
Subject: <EXTERNAL-SENDER>Diamond Willow Estates Sub Part 13 Tract 13
Date: Monday, November 11, 2024 6:16:28 PM

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To the Kenai Peninsula Borough Planning Commission,

We are writing this letter regarding the proposed project request for 36498 Virginia Drive Kenai AK. The application states that it is requesting a modification to PC2014-20 to allow excavation in the water table and for temporary localized dewatering. We live in this neighborhood and are very concerned how this would impact us directly. We believe that excavation into the water table will affect our well water, which is our only source of water for our home. Virginia Drive is the only road that gives us access to our neighborhood, and with the type of equipment that would be used for this project there is a high possibility that our road can be blocked for a long period of time and it would be difficult to keep maintained. We also have a concern on how this would impact the Kenai River which is in the vicinity of this proposed project. We don't see any positive reason why this project should move forward.

We hope that you will consider the negative impact this would have on our neighborhood, our well water, our road and the Kenai River. We are strongly opposed to this project and we hope that you will vote no on this proposal.

Thank you for your consideration,

Daniel & Theresa Franklin
P O Box 2848
Soldotna, AK 99669
Physical Address: 46731 Gary Ave, Kenai

TO : Kenai Peninsula Borough Planning Commission

My name is Kurt Brinkman and I reside at 36738 Virginia Dr. Kenai Alaska 99611.

I am very much against any further excavation/mining of parcel 05527001, SEAN Code, SBC 2012 Irrevocable Trust.

I am very concerned about the quality of my water and of all others in this residential area.

I find it difficult to believe that by drilling/mining/excavating approximately 18 ft below the water table will NOT affect our quality of water. I would hope that as planning commissioners you have all read BEST MANAGEMENT PRACTICES FOR GRAVEL/ROCK AGGREGATE EXTRACTION PER ALASKA DEC USER MANUAL ESPECIALLY SECTION 4.1.3

There are also wells within the 300 ft buffer of this property that in itself should shut this process down.

The proposed Egress on Virginia Ave is also a major issue. This would not be a safe option. Especially since those of us that live here use this as our only means of travel within the Sub Division.

I also have issues with the phrase temporary localized dewatering.

The word temporary is NOT a 20 yr plan. In any meaning of the word would you consider 20yrs. Temporary!

I believe this gravel pit should NOT be brought back to life and proceed. It has served its purpose.

I appreciate your consideration

Sincerely Kurt Brinkman
Kurt

From: [Aurora Gibbs](#)
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>Parcel #05527001
Date: Thursday, November 14, 2024 5:14:46 PM

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Good evening,

This email needs to be addressed to the Kenai Peninsula Borough Planning Commission and is in reference to parcel #05527001, the Gibbs Homestead, 36498 Virginia Drive.

My name is Aurora A. Gibbs and I am the daughter of James E. Gibbs. I was born in 1979 in Soldotna, Alaska to James and Patricia Ellery Gibbs and have spent part of my life living on our family's homestead, going to school in the community, and being homeschooled while my Grandfather, William Gibbs, was alive and owned the property in question. I have an interest in the property as a direct descendant of William and Virginia Gibbs and James E. Gibbs. My Grandparents, William and Virginia, homesteaded with their four children, James, Janice, Joyce, and Gary Gibbs. They all have direct descendants. My Grandfather, William Gibbs's death on June 20, 2001 in the Philippines was not recorded by the Philippine Government. Around six years later the U.S. Embassy in Manila, Philippines issued to my Father, James E. Gibbs, as next of kin, a legal document recording his Father's death.

No one has consulted or asked permission from anyone of my family members regarding this conditional land use application to develop a material site on our family's homestead. I do not believe it's in our family's best interests.

Please take this into account as you deliberate on the merits of this conditional land use application for my family's homestead. Should you have any questions or concerns I may be reached either by this email address or by the landline below.

Thank you,
Aurora A. Gibbs
(302) 423-5763

Sent from my iPhone

From: [Crystal Penrod](#)
To: [Raidmae, Ryan](#)
Cc: [Kenai River Center](#); [Travis Penrod](#)
Subject: <EXTERNAL-SENDER>Fwd: PWSID AK2249434, Source Water-Gravel Pit Impacts Public Inquiry
Date: Friday, November 15, 2024 12:00:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[Gravel Pit Inquiry Proximity Map.pdf](#)
[1998 Well Log Well #1 WELTS ID 24495.pdf](#)
[2008 Well Log Well #3 WELTS ID 33103.pdf](#)
[dec-eh-dw-recommendations-for-general-project-activities-near-a-pws-source.pdf](#)
[gravel-rock-extraction-bmp-manual.pdf](#)

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Please add this information to our submission for the meeting this Monday the 18th. Thank you!
Crystal Penrod

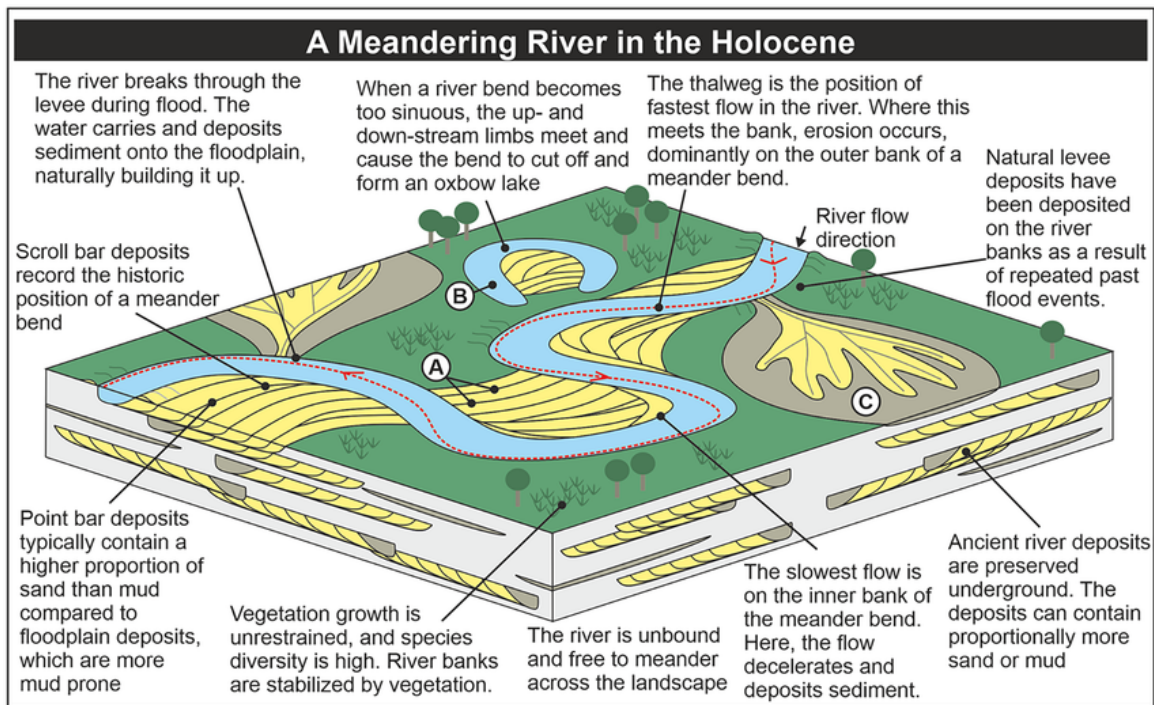
----- Forwarded message -----

From: **Needs, Ian J (DEC)** <ian.needs@alaska.gov>
Date: Monday, September 9, 2024
Subject: PWSID AK2249434, Source Water-Gravel Pit Impacts Public Inquiry
To: Crystal Penrod <diamondwillowhomeowners@gmail.com>
Cc: "Christian, Cindy L (DEC)" <cindy.christian@alaska.gov>, "Miller, Christopher C (DEC)" <chris.miller@alaska.gov>, "Hicks, Nahoni N W (DEC)" <nahoni.hicks@alaska.gov>

Hello Mr. Penrod,

Upon looking into the hydrologic and geologic conditions in the area, I have the following feedback to provide about the risks to PWSID AK2249434, Willowbrook North:

- The two wells that serve as the source for PWSID AK2249434, wells 1 and 3 (shown in the attached proximity map), have depths of 149 feet and 150 feet respectively. Well 1 is screened from 144-149 feet below ground surface (bgs), and Well 3 is screened from 145-150 feet bgs.
- Both well logs include soil descriptions and intervals from drilling. Both wells are considered to be screened in a “confined aquifer”, due to the various clay layers overlying the screened interval noted in the well log.
- Even though the aquifer in the immediate vicinity of the well is confined, that doesn't mean that the proposed project does not present a risk to the drinking water source for PWSID AK2249434. The proposed project occurs within the “Zone B” Drinking Water Protection Area (DWPA) for this PWS, inferring that there is the potential for a 2 year travel time for water at the site to reach the PWS source.
- Aquifers in alluvial floodplains, such as this, are often made up of discontinuous confining layers and aquifers due to the migration and meandering of the river over geologic time. Aquifers in this setting are often relic “paleo-channels” of the river that have a much higher hydraulic conductivity, and may be impacted by the entrance of pollutants far away. The image below depicts this setting.



Source: Russell, Catherine & Waters, Colin & Himson, Stephen & Holmes, Rachael & Burns, Annika & Zalasiewicz, Jan & Williams, Mark. (2021). *Geological evolution of the Mississippi River into the Anthropocene*. *The Anthropocene Review*. 8. 205301962110455. 10.1177/20530196211045527.

- The proposed gravel extraction project beneath the water table would likely occur in such a paleo-channel, as these are often represented as gravel. If contaminants are introduced in a dewatered gravel pit, then the pit was rewatered, the contaminants would be likely to spread via these channels.

Considering the above information about the hydrogeological setting of the project, and the potential risk to the PWS source at Willowbrook North, the Drinking Water Program has the following recommendations:

- Pit operations should follow the applicable “Recommendations for general project activities associated with, or near, a public water system source” as presented in the attached PDF, and highlighted below:
 - 2. Where the project/permit intersects a DWPA, notify the associated PWS contact and provide the following: a) A brief description of the project location and associated activities; and b) Project contact information.
 - 3. Within the identified DWPA, control stormwater and wastewater discharge such that it is directed away from the PWS.
 - 4. Within the identified DWPA, restrict project/permit activities that could significantly and/or permanently change the natural surface water or groundwater levels of the water sources immediately contributing to the PWS.
 - It is understood that the very nature of the project includes significantly changing groundwater levels in the area, but it should be mitigated as much as possible.
 - 5. Within the identified DWPA, implement voluntary best management practices suited to your project where equipment storage, maintenance and operation, or other potential sources of contamination are located to minimize the potential for PWS source contamination.
 - This should be specifically implemented in areas that are dewatered beneath the water table, or that drain into areas that are dewatered.
 - 7. All non-proprietary data related to the project/permit, including but not limited to, water quality results (field and lab), survey data, water levels, subsurface lithologic descriptions and depth, and groundwater flow direction and gradient information, should be made available to the permitting agency upon request.
 - The ADEC Drinking Water Program was notified on 9/9/2024 that a hydrologic study had been conducted to evaluate the gravel pit. This information should be provided to ADEC Drinking Water Program Staff. Contact Ian Needs, ian.needs@alaska.gov to provide any groundwater

data or study findings.

- 8. Keep a list of PWS contacts and agency spill reporting contacts readily available. Immediately notify contacts of any potential contamination event, such as spills or excess erosion.
- Pit operations should follow the attached Best Management Practices for Gravel/Rock Aggregate Extraction Projects.
 - A plan of how the BMPs would be followed would be helpful for understanding what the project operators are doing to minimize their impact on groundwater and surface water quality in the area.

It is also recommended that the project operators be in contact with DEC's Division of Water- Stormwater Discharge Program to learn if permits are required for this project. Contact: Stormwater Discharge Program Manager: [Jim Rypkema](mailto:Jim.Rypkema@dec.alaska.gov) 907-334-2288.

Please feel free to reach out with any questions.

Respectfully,

Ian



Ian Needs, E.I.T.

Hydrologist 3

DEC-EH | Drinking Water Program

Phone: (907) 269-0292

Info: <http://dec.alaska.gov/eh/dw>

Anchorage, AK

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Diamond Willow Homeowners Association
36860 Virginia Drive
Kenai, AK 99611
Travis Penrod, Chair
Timothy Agosti, Vice Chair

--

Diamond Willow Homeowners Association
36860 Virginia Drive
Kenai, AK 99611
Travis Penrod, Chair
Timothy Agosti, Vice Chair

From: [Jeff Webb](#)
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>Parcel #05527001
Date: Friday, November 15, 2024 12:10:35 PM

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Hello,

My name is Jeff Webb. My wife Jennifer and I live at 36750 Virginia Drive, Kenai, Alaska. I'm writing this email so I can be on record as opposing the proposed Conditional Land Use Permit regarding parcel number 05527001 located at 36498 Virginia Drive.

Allowing Mr. Cude to mine gravel in the water table at this location could have a serious impact on the drinking water not only in my neighborhood, but in several other neighborhoods in the area.

Allowing Mr. Cude to set up a gravel processing plant in that gravel mine will cause a lot noise and vibration. These will not merely be nuisances to his neighbors, they could potentially cause serious damage to the Kenai River bluff a few hundred yards to the West which is already eroding badly.

Mr. Cude wishes to move the access road back to Virginia Drive, which is the only road in and out of the neighborhood. I was fortunate enough to have purchased my home after the access was moved to Canvasback Ave., but as other people have testified, moving the access back to Virginia Dr. would leave us potentially stranded when one of Cude's trucks or equipment eventually breaks down in the middle of the road. The condition of the road right now is bad enough, its hard to imagine how much worse it will be if you allow the access to be changed to Virginia with all the heavy traffic this will cause.

During the last hearing in September when this then-delayed application was discussed, Mr. Cude's engineer talked about why the application was delayed at the last possible moment. They were careless in their original application and omitted at least one domestic water well located less than 300 feet from the proposed site of where Mr. Cude wants to dig into the water table. This makes me question whether or not Mr. Cude and the engineers he has working on this project are capable enough to mine gravel in the water table, or if they even care about the damage they could cause to people's property if something they do in that gravel pit goes horribly wrong.

Over the last few years, Mr. Cude has been filling this gravel pit in because it was essentially mined-out. Without performing a survey, I would estimate that around 50% of the pit has been filled in with God-knows-what, since there is no oversight from the Borough on what gets dumped there. During the hearing in September, it seemed like the Borough was surprised to hear that this was even happening during the last several years. This is concerning because if the Borough accepts Mr. Cude's application, I have zero faith that the Borough will hold Mr. Cude accountable when his mining operation does irreparable damage to the drinking water of dozens, or possibly hundreds of people who live in the area and pay their Borough property taxes.

In closing, I would like to reiterate that my wife and I are strongly opposed to this application's approval. The Borough has a duty to protect our property and our health as citizens and taxpayers. This application must be denied because Mr. Cude can't ensure that either of those will be protected if he is allowed to mine gravel in the water table in this gravel pit.

Thank you,

Jeff Webb
36750 Virginia Drive

Kenai, AK 99611
(907)252-1677

From: mgrtotravel@aol.com
To: [Raidmae, Ryan](#)
Cc: [RAY OYEMI](#)
Subject: <EXTERNAL-SENDER>To: KPB Commission. Comments in the matter of gravel pit a
Date: Friday, November 15, 2024 12:12:25 PM

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Reasons to pause: Avoid catastrophic damage to the 53+ acres development , seven years in the making next door.

1. Waiver requests should be considered with diligence - common interest and safety.
2. Best practices should be outlined, enforced and monitored.
3. The community within a community development has made significant progress:
Lots in escrow, some committed, waiting to
Commence building.
Wells are in place:
 - a) A5 well functional and designed to service an Assisted Living Community and A4 and A3 is ready! House well 1A Virginia Drive is also ready and is functional to code.
 - b). This community was unanimously approved by the Planning Commission.
 - c). Community house well of 36570 Virginia Drive has been serving its community of two homes - 36570 and 36590 over the years for the homesteader's generations.
 - d). In that close and tight proximity, there is hardly a way to abate rock crushing noise in a vicinity housing assisted living, retirement homes and any quiet enjoyment.
 - e) The common interest of this community should not be abandoned.

Thank you for your diligence.

Ray Oyemi
For
Consolidated Dev. & Mgmt.

REVISED

4 PGS.

To: KPB Commission. Comments in the matter of gravel pit a

From: mgrtotravel@aol.com (mgrtotravel@aol.com)

To: rraidmae@kpb.us

Cc: mgrtotravel@aol.com

Date: Friday, November 15, 2024 at 01:12 PM PST

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Thank you for your diligence.

Ray Oyemi
For



Consolidated Dev. & Mgmt.

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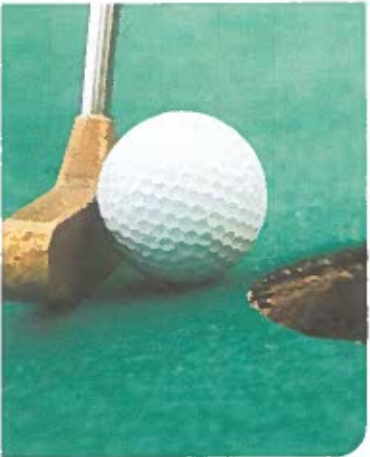
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 To Ciechanski
 To Virginia Dr.**



...Stroll Your
 Neighborhood

Bring Your Cherished Loved Ones

From: [Shirley Satterfield](#)
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>Fwd: Public Comment - Opposition to Sean Cude 36498 Virginia Drive Material Site Application
Date: Friday, November 15, 2024 11:43:03 AM

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Subject: Public Comment - Opposition to Sean Cude 36498 Virginia Drive Material Site Application

Mr. Raidmae,

I am writing to express my strong opposition to the proposed development of a gravel pit and crushing plant near our neighborhood and the adjacent Kenai River. The potential impact of this project on our community, environment, and local wildlife cannot be overstated.

The proximity of the gravel pit and crushing plant to the Kenai River as well as the depth of excavation that penetrates into the neighborhood's groundwater table raises serious concerns about the potential for contamination of our water supply. The groundwater table is vital to our community and should be protected. Increased sediment and pollutants from the operation could irreparably damage this important water resource.

1. Has the Department of Natural Resources and the Alaska Department of Environmental Conservation been contacted for applicable review and permitting?
2. Where are the engineering and geotechnical reports for the proposed development stored for public access? The Notice of Public Hearing letter failed to mention where to go to view additional reports pertaining to this application.
3. Has consideration been given to the impacts that a large, deep excavation that is allowed to remain in this condition would have on the surrounding neighborhood and environment?
4. Who would be responsible for monitoring the groundwater table and adjacent water wells before/during/after the mining activities?
5. What entity is responsible for enforcement of groundwater monitoring? And
6. What entity is financially responsible for the impacts of contamination in the groundwater table?

The operations involved in gravel extraction and crushing are known to generate significant noise, dust and emissions. This could adversely affect air quality in our neighborhood, leading to health problems, especially for children, the elderly, and those with respiratory conditions. The noise generated by heavy machinery and trucks would severely affect the quality of life for residents in our community. The constant noise from operations would disrupt daily life, outdoor activities, and peaceful enjoyment of our homes.

Increased truck traffic from the gravel pit and crushing plant would lead to greater congestion on local roads, posing safety risks to pedestrians and cyclists. Virginia Drive was not designed to accommodate such heavy industrial traffic, and the potential for accidents is a serious concern. Who will be responsible for maintaining Virginia Drive as trucking operations will surely deteriorate the gravel roadway?

The establishment of a gravel pit and crushing plant in our vicinity would likely lead to a decline in property values. The appeal of living near a river and a natural landscape would be undermined by the industrial activities associated with the proposed development.

The area of this proposed material site/gravel pit and crushing plant has grown considerably over the last 20 years with more residential housing and increased traffic. The impacts that this type of activity would have on the surrounding neighborhoods is significant and I believe it's the wrong time and place for this type of activity/application. Given the significant environmental risks and the detrimental impact on our community, I oppose the approval of this project. We must prioritize the health, safety, and well-being of our residents and the protection of our local ecosystem.

Thank you for considering my concerns.

Sincerely,

Shirley & Steve Satterfield
T 5N R 11W SEC 24 Seward Meridian KN 2006104 Diamond Willow Estates Sub Part 8
Amended Lot 3