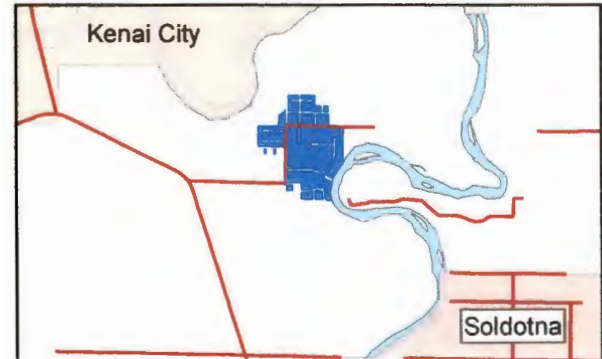
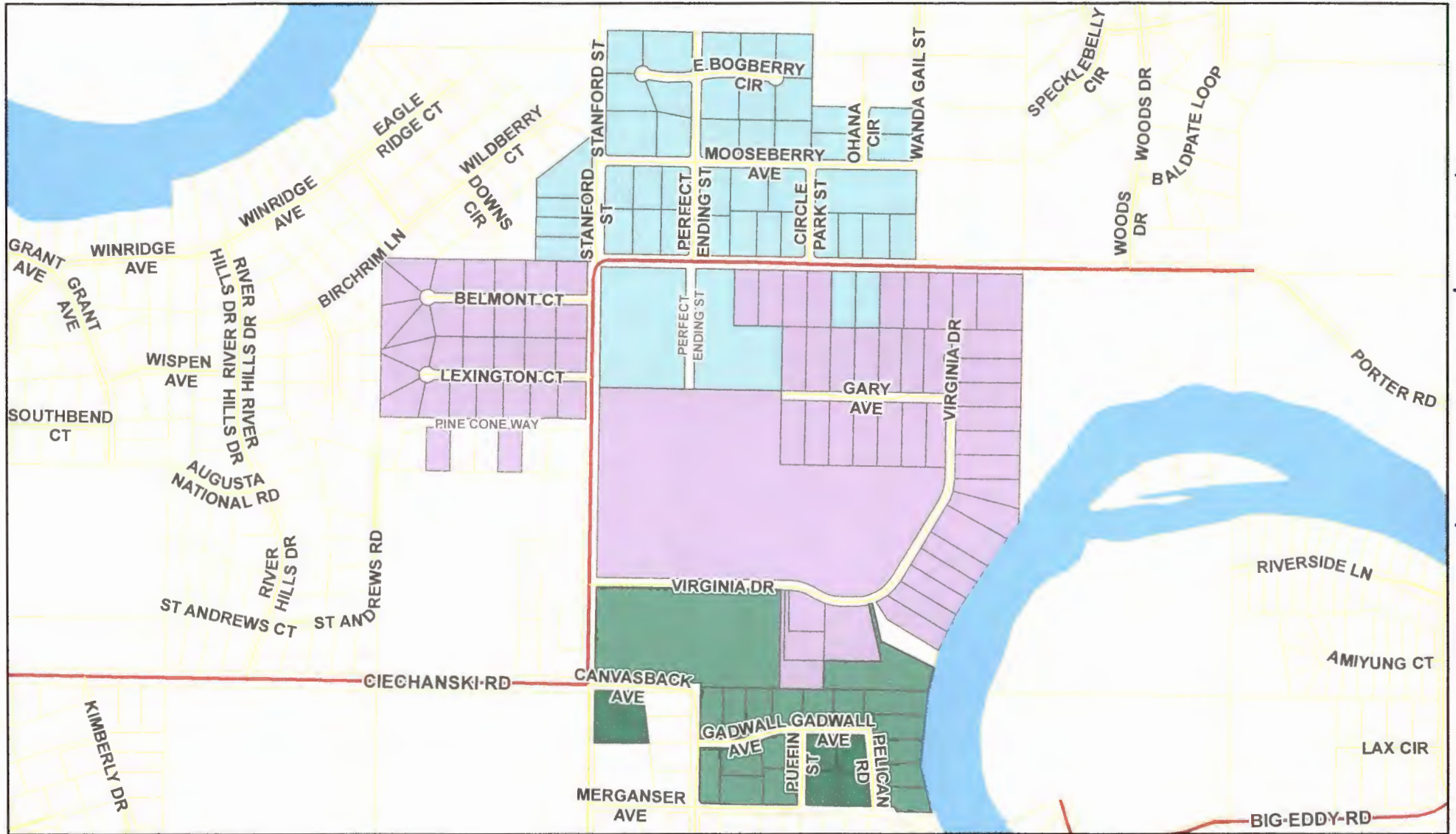
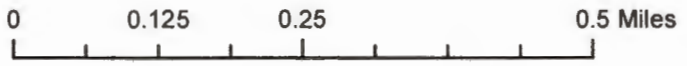


Distributed by Crystal Pennrod
Public Comment - 02014-39



Diamond Willow - Ravenwood, Diamond Willow - Fairfield, & Diamond Willow - Circle Park Proposed Local Option Zones

- Legend**
- Diamond Willow - Circle Park
 - Diamond Willow - Fairfield
 - Diamond Willow - Ravenwood



12-9-14

December 10, 2014

Dear Mr. Best:

Can you please include this short memo of my concerns in the Assembly and Planning Commission packets regarding the introduction of the second LOZ?

Thank you

Sean Cude

- My existing gravel pit is located on Tracts A and Lots C, D, and E and these are within the proposed LOZ. The entire matter is currently pending before the Board of Adjustment for decision about a conditional use permit. The Borough Staff itself has recommended granting the conditional use permit. I have proposed numerous voluntary measures to reduce impact to an even greater extent than required by local and state law, including rerouting any trucks directly to paved Ciechanski Road, bypassing smaller unpaved roads.
- In prior testimony, the persons proposing the LOZ were clear that the proposed LOZ zoning districts are intended as an offensive measure to prevent this long time use.
- This pit has been in operation for more than 30 years and is not some new use. The residents of the houses in the area first built after this pit and other larger pits in the area were in operation.
- The State of Alaska DEC recently wrote to the Kenai Peninsula Borough praising my careful and clean operations. I have several other similar operations in the area and have with the State of Alaska regulators an excellent reputation for clean and careful operation.
- I own a river lot immediately adjacent to these lots and intend to reside there. I would not foul the land near my own river property. If financially feasible, I intend to reclaim this small gravel operation as a hay field for horses.
- The old pit has been only partially refilled and reclaimed so far. It is very expensive to do this and financial reasons would preclude completely refilling and restoring the old pit to a better state than the legal minimum if I am forced out of any gravel operations that would help pay for more comprehensive restoration. This is clearly in the long-term benefit of the entire neighborhood.
- I have only recently purchased the property and am a new owner. I believe that any current concerns arose as a result of a prior owner's operations and the much larger, rather unsightly QAP gravel pit across the road, which is not included in any LOZ and over which I have no control. Yet, for reasons that have not been made clear to me, those much larger operations are not being affected by any proposals here.
- I have taken many actions to clean up any prior concerns and to prevent any new problems. I am taking steps to ensure that only clean natural fill material is being included in the reclamation, and nothing which might cause any ground water problems.

- This pit is much smaller than any of the several surrounding gravel pits still in approved operation. Materials from this small pit were largely used to pave Ciechanski Road.
- Currently, much of the old pit operations along Virginia Avenue has been fully reclaimed is currently used by KPB and the State of Alaska to refill the old pit with clean natural materials from their construction. I have removed any known improper materials.
- The lots are not suitable for constructing safe housing because they have been already mined for gravel in the past or are the uncompacted fill.
- The Diamond Willow Estates Building and Use Restrictions have always exempted my lots from any restrictions that applied to the surrounding residential uses and those decades-old covenants permits non-residential uses.. While I am in compliance, some of the most vocal opponents of the gravel pit themselves have been violating their own covenants and not enforcing them.
- This is not just a quiet residential neighborhood. In addition to my pit, there are three other gravel pits in the area, including a much larger one operated by Quality Asphalt Paving across Ciechanski. The other gravel pits are much larger and more visually intrusive. There is also a boat yard and shop, A-1 Enterprises, directly across Canvasback from me. There also are hay fields, commercial agricultural , and a sport-fish guiding business and lodge in the neighborhood.
- The Borough found that there is no evidence of any well water impairment although this pit has existed for many years. The Borough noted that there are many intervening septic systems located on small lots between the residences and the Cude pit, and the several much larger gravel pits in the area.



Already excavated Lots C D E
Where Cude would conclude
gravel recovery and reclaim
area already partially
excavated pre-1998

Virginia

Reclaimed as of
November 2014

Excluded lot with
boat yard

Davis Block
existing pit

QAP existing gravel pit

Google earth

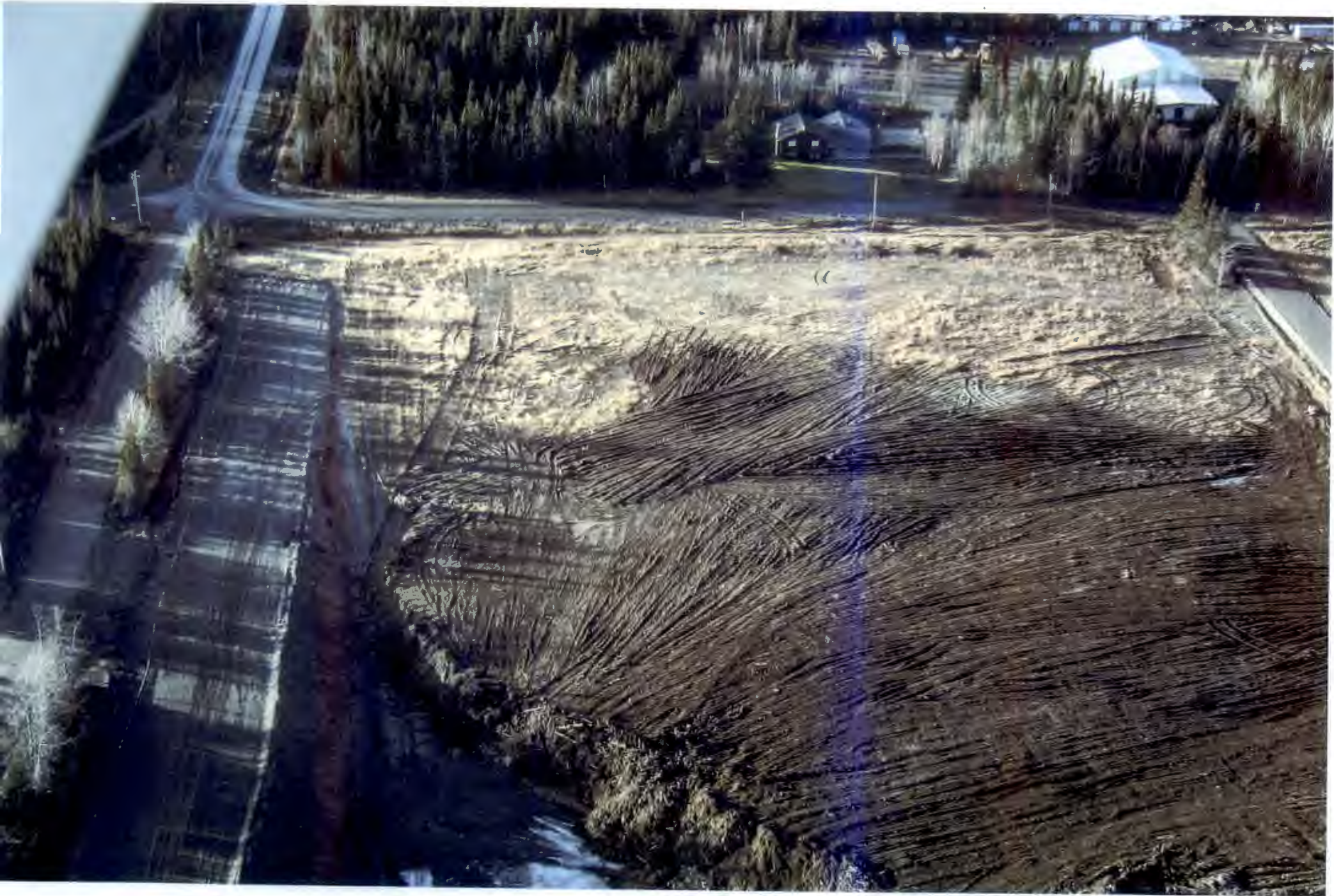
Image Date: 4/17/2011 60° 30' 53.40" N 151° 08' 38.44" W elev: 80ft eye alt: 9872 ft

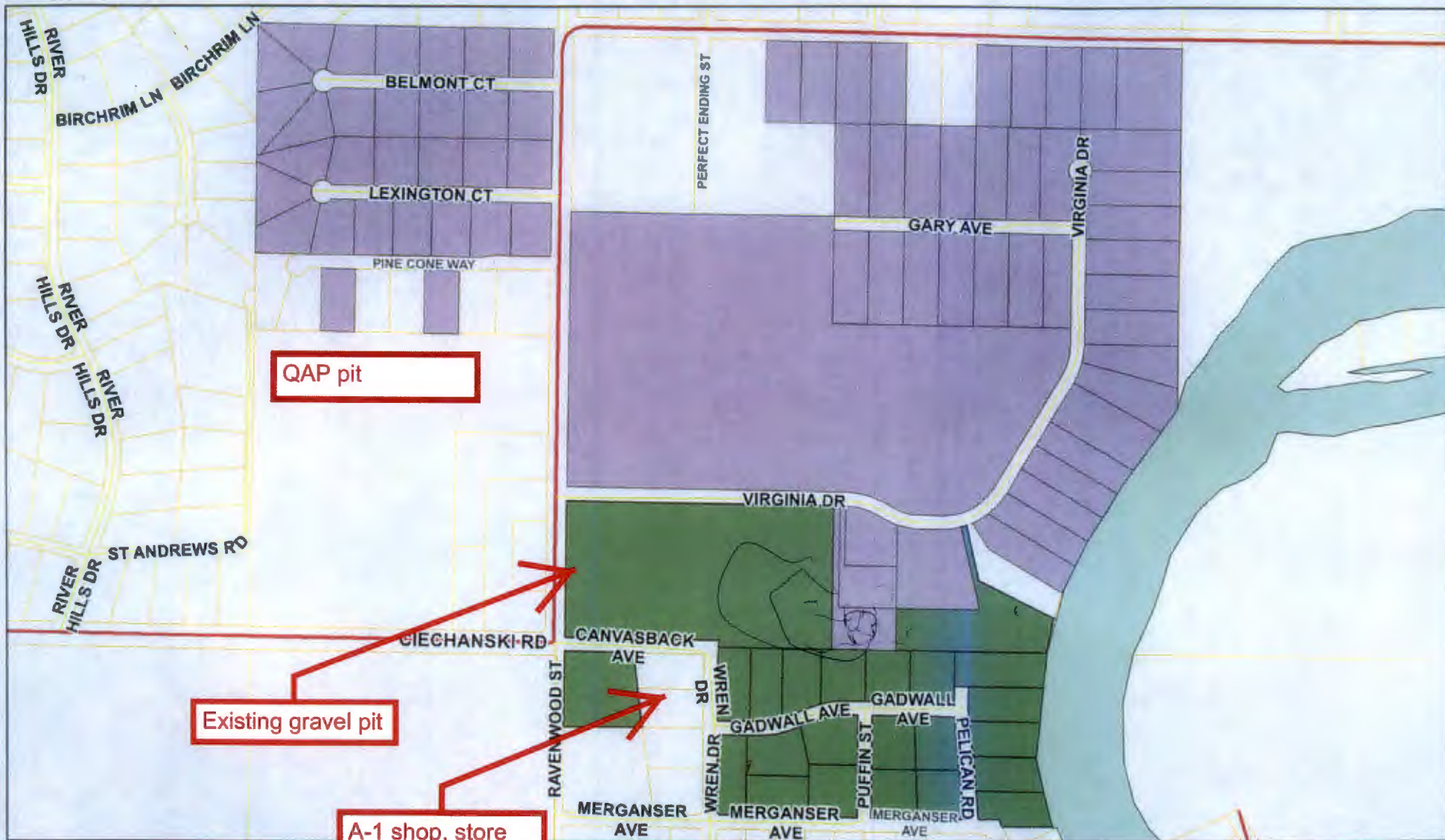






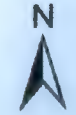






Proposed Diamond Willow - Ravenwood and Diamond Willow - Fairfield Local Option Zones

- Legend**
- Diamond Willow - Fairfield
 - Diamond Willow - Ravenwood



Mercedes Gibbs

From: Oliver Amendjr <oliveramendjr@yahoo.com>
Sent: Sunday, December 14, 2014 9:40 PM
To: Mercedes Gibbs
Subject: Fw: Rezoning of diamond willow estates to R-1

----- Forwarded Message -----

From: Oliver Amendjr <oliveramendjr@yahoo.com>
To: Mercedes Gibbs <mgibbs@kpbsd.k12.ak.us>
Sent: Sunday, December 14, 2014 9:29 PM
Subject: Rezoning of diamond willow estates to R-1

Mrs. Gibbs and Mr. Amend are totally apposed to this R-1 zoning, for many reasons. If the existing covenants were flawed, how come there hasn't been an issue until this summer? The Diamond Willow covenants have served our neighbor hood for over 30 years. In the last 20 years I can't recall a single instance were there has been a concern or dispute, until the Penrods moved in. Mr. Penrod has been telling the neighbors some outrageous things. The good neighbors were told we intend to turn the hay field into a gravel pit. Lets us use simple economics 101. Lets use the 55 acres, of hayfield and subdivide it up into 45 lots. Now we build a average home, \$200,000 on each of the lots. Would you think that a hole in the ground could generate this kind of revenue? (about \$9,000,000 give or take a million) I think the Penrods have started celebrating the legalization of marijuana before the law is put into effect. In the Diamond Willow Estates area Mrs. Gibbs and Mr. Amend own 22 lots and Mr. Cude owns 3 lots for a total of 25 lots. The Diamond Willow Estates consists of 49 lots total, this includes our 25 lots. I know of other neighbors that are not on board was the Penrods scheme to scare neighbors into rezoning this subdivision R-1. Mr. Penrod has been hammering home the point of, "the aquifer has been breached and our wells will be contaminated", also. I find that very interesting when he has been dumping raw sewage just a stones throw away from his drinking water well, for decades. Mr. Penrods home is very close to the Kenai River, much closer than the hayfield and the gravel pit. Beware of the messenger. Please do not change what has served us so well. Let us continue living with a very good system of covenants that has served us for decades. Thank You For Your Time.

RECEIVED

DEC 15 2014

Borough Clerk's Office
Kenai Peninsula Borough

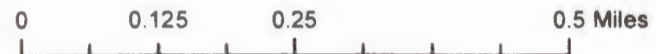
Travis Penrod presented these photos at the Planning Commission Meeting on
December 15, 2014



Diamond Willow - Ravenwood, Diamond Willow - Fairfield, & Diamond Willow - Circle Park Proposed Local Option Zones

Legend

- Diamond Willow - Circle Park
- Diamond Willow - Fairfield
- Diamond Willow - Ravenwood



Cc: "Ostrander, Paul" <postrander@borough.kenai.ak.us>, "Best, Max" <MBest@borough.kenai.ak.us>
Crystal,

KPB Planning Department staff did visit the site and determined there were no violations of the KPB Code. I have asked the Planning Director, Max Best, to communicate with you regarding the visit and investigation of your concerns.

Best regards,

Mike Navarre

Mayor

Best, Max <MBest@borough.kenai.ak.us> Wed, Sep 26, 2012 at 3:05 PM
To: "Navarre, Mike" <mnavarre@borough.kenai.ak.us>, Crystal Penrod
<diamondwillowhomeowners@gmail.com>
Cc: "Ostrander, Paul" <postrander@borough.kenai.ak.us>
Ms. Penrod,

The Department of Environmental Conservation is the agency responsible for enforcing regulations having to do drinking water quality and the disposal of hazardous materials, not the KPB.

The Gibbs property is in the process of being purchased by a new owner who is installing a driveway (on private property) which connects to an existing approach on Canvasback Ave. KPB road construction standards are not relevant in this case. No material is being removed from the site, and though rainwater has collected in spots on the parcel, the aquifer has not been breached.

A planning staff site inspection showed that a couple of the vehicles mentioned by Ms. Penrod are near the edge of the right-of-way, however none were found to be within the right-of-way.

Max Best,
KPB Planning Director

****In other words, the Borough Mayor and Staff are going to do NOTHING about any of these issues****

FALL 2012



FALL 2012



ILLEGAL EXCAVATING - BREACH OF
WATER AQUIFER -

AQUIFER IS STILL OPEN
and exposed AS OF Dec. 2014

Summer 2013



Crushed optic
pushed into hole
by Sean Cude
S&R

FALL 2012



ILLEGAL EXCAVATING

Open Water Aquifer

FALL 2012



FALL 2012



S&R Vehicles

FALL 2012



Open Aquifer

FALL 2012



Open Aquifer -

Organic & ILLEGAL
materials being
pushed over -

S&R Yellow Truck

FALL 2012



Open Aquifer -
pipes, debris
pushed over by
STR

FALL 2012



more debris -

Yellow S&R
TRUCK

Summer 2013



Crushed Septic Tank -
ILLEGALLY Dumped,
then pushed into pit
and buried by STR